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INTERVIEW WITH  
MICHAEL L. FISCHER

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California State Archives  
State Government Oral History Program

Oral History Interview

with

**MICHAEL L. FISCHER**

Executive Director, California Coastal Commission, 1978-1985  
Deputy Director, Governor's Office of Planning and Research, 1976-1978  
Executive Director, North Central Region, Coastal Zone Conservation Commission,  
1973-1976

November 6, 1992  
San Francisco, California  
July 29, August 12, August 30, 1993  
Mill Valley, California

By Ann Lage  
Regional Oral History Office  
University of California, Berkeley



## RESTRICTIONS ON THIS INTERVIEW

Portions of this interview are sealed until January 1, 2010.

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## PREFACE

On September 25, 1985, Governor George Deukmejian signed into law A.B. 2104 (Chapter 965 of the Statutes of 1985). This legislation established, under the administration of the California State Archives, a State Government Oral History Program "to provide through the use of oral history a continuing documentation of state policy development as reflected in California's legislative and executive history."

The following interview is one of a series of oral histories undertaken for inclusion in the state program. These interviews offer insights into the actual workings of both the legislative and executive processes and policy mechanisms. They also offer an increased understanding of the men and women who create legislation and implement state policy. Further, they provide an overview of issue development in California state government and of how both the legislative and executive branches of government deal with issues and problems facing the state.

Interviewees are chosen primarily on the basis of their contributions to and influence on the policy issues of the state of California. They include members of the legislative and executive branches of state government as well as legislative staff, advocates, members of the media, and other people who played significant roles in specific issue areas of major and continuing importance to California.

By authorizing the California State Archives to work cooperatively with oral history units at California colleges and universities to conduct interviews, this program is structured to take advantage of the resources and expertise in oral history available through California's several institutionally based programs.



Participating as cooperating institutions in the State Government Oral History Program are:

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The establishment of the California State Archives State Government Oral History Program marks one of the most significant commitments made by any state toward the preservation and documentation of its governmental history. It supplements the often fragmentary historical written record by adding an organized primary source, enriching the historical information available on given topics and allowing for more thorough historical analysis. As such, the program, through the preservation and publication of interviews such as the one which follows, will be of lasting value to current and future generations of scholars, citizens, and leaders.

John F. Burns  
State Archivist

July 27, 1988

This interview is printed on acid-free paper.



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## INTERVIEW HISTORY

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B.A. University of California, Berkeley (History)

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### Interview Time and Place

November 6, 1992

Sierra Club headquarters, San Francisco, California

Session of one-half hour

July 29, 1993

Home of Michael Fischer, Mill Valley, California

Session of two hours

August 12, 1993

Home of Michael Fischer, Mill Valley, California

Session of two hours

August 30, 1993

Home of Michael Fischer, Mill Valley, California

Session of two hours

### Editing

The interviewer/editor checked the verbatim manuscript of the interview against the original tape recordings; edited for punctuation, paragraphing, and spelling; verified proper names and prepared footnotes.

Mr. Fischer was sent the edited transcript for his approval. He returned it with only minor corrections. The interviewer/editor prepared the introductory materials.



The initial session of this oral history, which covers personal background, was recorded as part of a Regional Oral History Office oral history with Michael Fischer for the Sierra Club Oral History Series, which focuses on his years as executive director of the Sierra Club.

### Papers

Mr. Fischer papers relating to his state service will be placed in the California State Archives. Papers relating to his tenure as executive director of the Sierra Club are in the Sierra Club Records, at The Bancroft Library, University of California, Berkeley.

### Tapes and Interview Records

The original tape recordings of the interviews are in The Bancroft Library, University of California at Berkeley. Records relating to the interview are at the Regional Oral History Office. Master tapes are deposited in the California State Archives.





## BIOGRAPHICAL SUMMARY

Michael Fischer was born in Dubuque, Iowa, on May 29, 1940, and was raised in Mississippi and Texas, where he attended Catholic primary and secondary schools. After two years at the University of Notre Dame, he transferred to the University of Santa Clara and graduated with a bachelor of arts degree in political science. In 1967 he received a master of city and regional planning degree at the University of California, Berkeley.

After planning positions with the city of Mountain View, the County of San Mateo, and the San Francisco Planning and Urban Research Association (SPUR), Mr. Fischer became the first executive director of the North Central Region of the California Coastal Zone Conservation Commission, 1973-1976. He then served in the Jerry Brown administration as deputy director of the Governor's Office of Planning and Research, under director Bill Press, 1976-1978. From March 1978 to July 1985, Fischer was the executive director of the California Coastal Commission.

Following the period of state employment which is the focus of this interview, Michael Fischer was a senior associate of Sedway Cooke Associates, an urban and environmental planning consulting firm. He then served as executive director of the Sierra Club from May 1987 to May 1992. He is currently the executive officer of the State Coastal Conservancy.



[Session 1, November 6, 1992]

[Begin Tape 1, Side A]

LAGE: This is the first session with Michael Fischer for the Sierra Club Oral History series [tape 1A now included in the State Archives State Government Oral History Program], and today is November 6, 1992.

FISCHER: Eight-thirty in the morning.

LAGE: Right. We're off to an early start.

We want to get background today, to find out how you have developed the kind of interests that you've displayed? Shall we start with basics--when you were born, where you were born?

FISCHER: Sure. I was born in Dubuque, Iowa, on May 29, 1940, and lived there for about six months, never to return.

LAGE: A molding experience.

FISCHER: That's right. It was wartime, and my dad [Carl Michael Fischer] worked for the Merchant Marine Academy and for the USO [United Service Organizations], so we moved around quite a bit. The first ten years of my life were basically spent on the Mississippi Gulf Coast. We lived in Gulfport and Pass Christian and Biloxi.



LAGE: What did your father do?

FISCHER: Dad was a teacher. He also during those ten years taught for a bit down in the Rio Grande Valley, but mostly USO during the war, and then English and history teaching after the war.

Then, in 1950, we moved to San Antonio, Texas, and I lived there until 1960 when the family moved to California.

LAGE: Again, to follow your father's job?

FISCHER: Yes. Dad got a job working at the University of Santa Clara as a professor and guidance counselor. In that second ten years in San Antonio, he was a guidance counselor and educational tester.

So I went to eight different grade schools, with one little stint there, I guess it was in second or third grade, in Pontiac, Illinois--my folks are from Pontiac and Kewanee, Illinois. So here we were, two midwestern parents living in the Deep South most of the time.

LAGE: That must have been an interesting experience.

FISCHER: It was very interesting. We were quite poor and tended to live in the black neighborhoods. We were also Catholic, so being poor and Catholic and living in the black neighborhoods in the South was a challenging experience.

LAGE: And did you go to public school?

FISCHER: No, I went to Catholic schools, with the exception of the first grade, where I went to the Gulf Coast Military Academy where Dad was a teacher. That was an experience in itself. But to be called a nigger-lover, and to be seen as cloven-hoofed as a non-Baptist was, as I say, challenging.



LAGE: So there really is that kind of sentiment, the anti-Catholic sentiment, in the South?

FISCHER: Oh, yes. Oh, yes. Particularly in those first ten years. Then in San Antonio, it wasn't anti-Catholic at all, because San Antonio is more than 50 percent Mexican American.

LAGE: Were the Catholic schools integrated?

FISCHER: Yes, but just barely. There was a class problem. You had to pay tuition, even though the tuition wasn't very much. My folks basically paid all their discretionary income for tuition for the Catholic schools. So yes, they were integrated, but not very, I guess. I was struck by the fact that even though we had black people over for dinner on Sundays and that sort of thing, and particularly in Mississippi, we'd go down to the Gulf on the community pier and fish for crabs, and we'd get into somebody's back yard oftentimes, a black neighbor's back yard, and put water in our washtub and build a fire in the back yard, and have a crab boil.

But when I left San Antonio and went to Notre Dame for the first two years, I was unprepared for life in a truly integrated community, where I would actually stand in line for the movie next to a black person. That wasn't done in the South.

LAGE: So in the South, you were very much part of the community of the black . . .

FISCHER: In a peripheral way. In San Antonio, our high school and grade school were quite integrated so far as the Latino community was concerned. Very few black people in San Antonio in those times.





But in the Mississippi Gulf Coast, yes, I was part of the lower income community.

LAGE: And was that a mixed community, or were you one of the few white people?

FISCHER: Well, we were one of the few whites. Generally speaking, it wasn't done to mix. You were either "Po' white trash," or you were black, or you were middle income striving to be upper middle income.

LAGE: Now, did your parents have a different philosophical outlook?

FISCHER: Yes. My folks were from the Midwest, and they were from a couple of progressive families. So those values were taught to me very early. One of the reasons I don't have a Southern accent is that I was taught not to say "ain't," not to say "pitcher," but "It's picture, Son," and that sort of thing. But I can sure pick it up fairly quickly, going back.

LAGE: Did you have siblings?

FISCHER: My sister is a year and a half younger. She was born in Baltimore. My brother is six years younger. He was born in Pontiac, Illinois. That's the one year, I guess it was second grade, when we went back for a piece of the year to Pontiac.

LAGE: And did your mother work?

FISCHER: She worked all the time, that's right, because we had to have that money in order to keep the family alive. But basically, as a part-time secretary, or for a while in Pass Christian she ran the Southern Women's Exchange, a little retail store on Route 90 where women bring their prawlins or their stuffed Mammy dolls or the Choctaw Indians would bring in baskets that they made.



That was for a couple of years, I guess, and that was fun. It was in the front room of our house. We lived right on the highway.

LAGE: What an interesting upbringing!

FISCHER: Oh, it was, indeed. And interestingly enough, my brother is now a professional mountain climber living in Bishop [California]. When John was in his late teens and twenties, he learned mountain climbing at Dave Brower's feet up at Tuolumne Meadows [Yosemite National Park].

LAGE: How did that happen?

FISCHER: Just by accident.

LAGE: So he's six years younger than you, you said?

FISCHER: Yes. When we were first out here in California (we moved out in 1960), he and I, that summer, built backpacks ourselves out of a wooden frame kit, and put canvas Boy Scout bags on this handmade frame, and spent a week up in Yosemite doing the high country loop. It was the first outdoor experience really that either of us had had.

LAGE: What motivated that trip? Because it just doesn't sound like you'd come out of Texas and discover the Sierra.

FISCHER: We came out of Texas and were bowled over by, first, the Grand Canyon, and then as we were moving into our house in Cupertino, of all places, I was flipping through the Compton's Encyclopedia and saw a fantastic photograph, probably an Ansel Adams photograph, of Yosemite Valley. I remember the whole family gathering around, saying, "Wow! Let's go see that!"

That started a family tradition. We were from Texas, remember, so driving long distances was second nature. In the



first five years, the early sixties, we probably made, oh, at least a half a dozen day trips a year to Yosemite. We'd get up at six in the morning, and we'd get there by ten. We'd leave there by eight and get home by midnight. That was, hey, that's what you did when you were in Texas. Four hours one way is nothing.

I remember our first trip into the valley. It was just stunning. And it was because we saw the picture in Compton's Encyclopedia and wanted to see where we were. And then it was fantastic.

John was not a comfortable student in high school, and that week-long trip up into Merced, the little Yosemite Valley up the Merced River, was like a new window into the universe for him. So the outdoors became his school.

LAGE: And how about yourself as a student?

FISCHER: Well, I had gone to Notre Dame and had my choice of many colleges. I was a relatively good student in school, and my folks had this theory that they were responsible for getting me through high school, and the kids were responsible for anything thereafter. So I tried for and won a [United States] Navy scholarship, and I chose [University of] Notre Dame for that. My jobs during summertime had been with a survey party with a civil engineering firm, and I found that enjoyable. For a kid, working outdoors, using both your head and your hands, it was lots of fun.

So I decided to go into civil engineering. Civil engineering at Notre Dame--don't forget, this was 1957, the year of Sputnik--civil engineering was, I learned to my dismay, a training, not an education. Even Notre Dame waived theology requirements, they



waived the regular state of Indiana general educational requirements, so my first two years there I had not a trace of history, English, philosophy, theology, or languages. I knew, particularly given the kind of upbringing that I had, that I wasn't there to get a training. All my classmates were these--we didn't use the word "geek" or "nerd" at the time--but they had slide rules on their belts and thought of nothing other than strength of materials and statics and physics and calculus. I was in agony.

So, after the first semester, I went to the College of Arts and Letters and asked to transfer, and they said, "Sure, great." Then I went to the navy and the navy said, "Wait a minute, it's going to take you an extra semester to get your degree, because you've missed all these history, et cetera, courses. We need engineers in the navy, so permission to transfer is denied."

LAGE: I didn't realize they exercised that kind of control.

FISCHER: Sure.

LAGE: Was it an NROTC [Naval Reserve Officers Training Corps] scholarship?

FISCHER: Yes. So I had the naval requirements; they wanted me out in four years, and they really wanted me to be an engineer. So I did the only sensible thing: I flunked out. [Laughter]

LAGE: Did you think of it that consciously?

FISCHER: No, I didn't. It was a very, very painful experience for the family and for me. But flunk out I did. Even though I was supposed to go into the navy, there was a very thoughtful chief petty officer there who separated me from the service, so I moved out to California and began life anew.





I had no idea what I wanted to do, and, having crashed and burned, I was still sort of repairing myself. But I went immediately to night school at Foothill Junior College, and like a kid in a candy store, started taking economics and music and history and philosophy courses. Along about that time . . .

LAGE: Where are we now in time?

FISCHER: Late 1960. My mom. . . . We were still living in this rented tract house in Cupertino, a very new tract house with all these brand-new redwood fences separating house from house, which was a new experience for me. I had just never seen this new . . .

LAGE: Kind of suburban . . .

FISCHER: Yes. Very, very new suburban stuff. My mom found the book, This is the American Earth, and gave it to me. It may have been for Christmas in 1960, or birthday in 1961. I read the book with awe and took it to the guidance counselor at Foothill Junior College. She took it home, read it, and then I had another meeting with her. [Her name is Dimi Georgias; retired now, she lives in San Francisco.]<sup>1</sup>

By this time, I was working for the city of Mountain View on their survey party, civil engineering and surveying . . .

LAGE: [Laughter] So you continued . . .

FISCHER: Yes, that's right. Like an abused child, all I knew how to do was that. So she said, "Well, you ought to study for political science, and think about city planning." So I targeted . . .

LAGE: Based on your enthusiasm for This is the American Earth?

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1. The preceding bracketed material was added by Mr. Fischer during the editing process.



FISCHER: For This is the American Earth. You'll read, in the middle of the book, it says, "Hell we are building here on Earth," and it has photographs of tract housing. [Laughter] I was just shocked and reviled by the tracts that we were living in in Cupertino, and so that really twanged a sympathetic heart string.

LAGE: So it wasn't just nature, but it was also the . . .

FISCHER: Both nature and the urban, human pattern. Because it's all of the same pattern, fabric. So I did in fact think about both. I got my political science degree ultimately at [University of] Santa Clara, while I was working either half time or full time at Mountain View, and I also had a part-time job selling auto parts at Sears. So I was working basically at least forty to sixty hours a week, and going to school full time. But I got my undergraduate degree at Santa Clara.

LAGE: In political science?

FISCHER: In poli sci. And from the public works department at Mountain View, I wandered down the hall, because she told me to think about city planning, and made friends with the folks in the planning department. They welcomed me in as a part-time draftsman. Then I ultimately got promoted several times, and after my undergraduate degree, was given a full-time assistant planner position at the city of Mountain View.

Worked there for a year before going to grad school, getting my master of city planning degree at Berkeley in '67, I guess it was.

LAGE: So you really continued along that course that the guidance counselor had suggested?



FISCHER: The guidance counselor looked at This is the American Earth, and said, "Do this, young man." I did it. [Laughter] And loved it.

LAGE: What attracted you about the planning aspect? Was there. . . . I mean, your brother went off and became a mountain climber.

FISCHER: That's right. Good question. My brother and I clearly are very different people. But in a way, we took two different careers from the same root course. I think that was a course that was instilled by our folks, the love of sunsets or going out for family picnics, or drives, and looking at the beauties of the hill country of Texas, that sort of thing. My friends and I built a canoe in high school and went down the Pedernales River [Texas] on a week-long trip.

So the outdoors was a bit of my life, but not a lot. My folks weren't hunters or fishermen or anything like that. As a matter of fact, killing things would not have gone down well. Anything having anything to do with guns was forbidden in our family. So appreciation for nature that. . . . But you asked about city planning.

City planning I found to be exhilarating because it used so many facets of a person: sociology, psychology, architecture, engineering, civics. It was closest to a Renaissance man sort of profession that I could conceive of. And I still think that that's true. I remember wandering through the salt ponds on the shore of San Francisco Bay when I was part of the team doing the first master plan for the city of Mountain View, watching the flocks of birds taking off, and saying to my colleagues, "Oh, we've got to save this the way it is, we can't see this filled and turned into



subdivisions," and not knowing exactly why. But then we brought in a biologist professor from San Jose State [University], and he basically taught us why the wetlands were very important. We then taught the city council why that was important.

LAGE: So you could see some real benefit to what you were doing.

FISCHER: Yes.

LAGE: Did your family have a particular bent towards. . . . Did they foster ideals of contributing to civic life or doing good for society? Was that something that was part of the family culture?

FISCHER: Yes, it sure was, but I can't give you any specifics. I just remember when I was working during the summertime as a soda jerk at a fountain next to the community swimming pool in the rich part of town, I guess it was in 1956, being glued to the radio listening to the Democratic Convention where [John F.] Jack Kennedy was almost nominated vice president, and the sense of civic interest. For a kid nearing the end of high school, that was relatively unique. I think the other kids, who were there enjoying themselves and watching the girls at the swimming pool, thought that I was a real geek, listening to a political convention. So I'm sure that that must have been instilled both by my teachers and by my folks. But no, they didn't run for city council; yes, they did vote.

Actually, Mom was instrumental in trying to get the first public television station established there in San Antonio. I remember the folks thinking that we were kind of pinko-commies for wanting to do something as liberal as that. San Antonio was not a very liberal place to grow up.





LAGE: Were your parents--did they belong to one party or the other?

FISCHER: Oh, sure, Democratic, no question.

LAGE: Strong Democratic.

FISCHER: Yes.

LAGE: Have you ever wavered from that yourself?

FISCHER: Oh, only to go independent from time to time. [Laughter] I've known some nice Republicans. And I've voted for a couple. The first person on whose campaign I worked was [Congressman Paul N.] Pete McCloskey, who was a Republican down in the Palo Alto-Redwood City area. So even. . . . And I'll tell you a story about Pete later on [see Tape 7, Side A].

LAGE: Good. I had a short interview with Pete McCloskey that was a lot of fun.

OK, so we have you almost to [University of California at] Berkeley. Let's talk a little bit about your graduate school experience there. Was that something significant, or were there particular mentors in that?

FISCHER: It was. I actually resented going to grad school because it was kind of like going to get my union card.

LAGE: You were already in the field.

FISCHER: I was already in the field, had a job, was . . .

LAGE: Why did you go?

FISCHER: Well, because in order to get good promotion opportunities, particularly at that time, having a master of city planning degree put you head and shoulders above the competition. I also was not confident that on-the-job training was going to give me the breadth of either opportunity or experience that I really owed



myself for the community. So I said, "Well, let's take the two years out and get the master's degree."

I had gotten married in 1964, and by the time I decided to go to grad school, we had a baby. So it was one of these moderately stressful, certainly financially stressful, experiences.

LAGE: You had to go full time?

FISCHER: Sure.

LAGE: This wasn't a forty-hour-working and . . .

FISCHER: That's right, had to go full time. And indeed, it was full time, though I worked part time at ABAG [Association for Bay Area Governments] during those years.

LAGE: Was it a two-year program?

FISCHER: Two-year program, with an internship required in between the two years.

LAGE: Have ideas on city planning changed since the sixties? I think of stress on urban renewal, for instance, in the earlier years. It's been sort of rejected as a . . .

FISCHER: Well, at the time, there were three paths at the Department of City and Regional Planning at Berkeley. One was urban physical planning, which focused on land-use policy. That was what I was interested in. Architecture, landscape architecture, urban physical planners. The second stress was on housing and urban development, and the renewal types, urban renewal types, were in that specialty. The third was called urban systems, and the computer modeling freaks were in that.

LAGE: Even back in '64?



FISCHER: Right, '65 to '67, right. So I think the urban physical planning emphasis went into decline at Berkeley, but I was there at the time just before it did. Basically, that's where city planning came from, was the urban physical planner types which sprang from the landscape architecture folks.

And you asked about mentors. Yes, Francis Violich, and [Thomas John, Jr.] Jack Kent, and Corwin Mocine are the people that I remember most. Jack Kent is still very active in the Green Belt Alliance here in the Bay Area, and both he and Corwin are active in the Planning and Conservation League [PCL], which was the country's first environmental 501(c)4 lobby, even beat the Sierra Club at that business.

I've retained, oh, let's say half a dozen moderately close friends from high school, and another half a dozen moderately close friends from grad school. None from Notre Dame or Santa Clara. [Laughter]

LAGE: Are they people we would know here in the local area?

FISCHER: No, I don't think so.

LAGE: Now, where did you go from there?

FISCHER: Well, city of Mountain View, as we've said, is kind of woven through the undergraduate period, and then when I left grad school, I got the only job for which I really had to search in my whole career, with the county of San Mateo. Here I was, I had used up all the savings through grad school, really needed a job. So I went to work for the county of San Mateo and hated it. Talk about bureaucracy. The planning director, with every breath



he took, screamed out that he wanted to stay there until retirement. He didn't want to rock any boats.

LAGE: It was different from the Mountain View?

FISCHER: Very different from the Mountain View; several different planning directors I worked for there.

So I became quite active in the American Institute of Planners [AIP]. I had been a student member. Interestingly enough, that also was unique. My fellow grad students were not joiners. I think there might have been one other member of AIP, but I had become active in AIP, and I think I was vice chairman of the state housing committee. In that role, without knowing the term, I began to build a network. That has been one of my trademarks throughout my career. I tend to make friends and keep friends. Gregarious person, I guess.

LAGE: And are you a joiner?

FISCHER: Yes. I guess so. Well, at least I was then. I'm not so much now. The Sierra Club is kind of all-consuming, though even here I'm now on the board of directors of Friends of the Earth, and before then was on the board of directors of American Youth Hostels. So I guess that's a joiner-style approach.

LAGE: Did anything in your graduate school experience change your approach to city and regional planning? Did you feel like a different sort when you came out?

FISCHER: No, I didn't. I really ended the two years still thinking that, well, this was an enjoyable. . . . I started by resenting it and figuring I wasn't going to like it, and I was going to suffer these damn two years just to get that ticket so that I could get promotions. And I





ended it by resenting the time out of my career, but finding that it had in fact been enjoyable and somewhat stimulating.

LAGE: And then you went back to a similar type of job.

FISCHER: So I went back to a similar type of job, took a side trip off that ladder, and then went back onto the ladder with the expectation that I would get promotions. The truth is that it was the network building in the American Institute of Planners more than the master of city planning degree that served me well in the career. Because I went to the county of San Mateo, hated it, spent a lot of extracurricular time working on the housing committee and housing legislation, getting to know people in Sacramento, and the outgoing executive director of SPUR [San Francisco Planning and Urban Renewal (now Research) Association], a civic organization in San Francisco, who also was active in AIP, knew me through that, and he recommended me to his successor as a new associate executive director.

LAGE: And who were the outgoing and the . . .

FISCHER: John Hirten was the outgoing executive director. He went from SPUR back to [Washington,] D.C. to join the [President Richard] Nixon Department of Transportation, and from there went off to Hawaii and is just back to San Francisco in the last couple of years. And John Jacobs was his understudy at the time, and John became then executive director of SPUR, years later became executive director of the San Francisco Chamber of Commerce, is now retired.

But John Jacobs hired me, and for five years, I was John's associate executive director, being a civic activist here in San



Francisco. As associate director, I was the person who worked with the volunteer committees. SPUR is very much a volunteer-run outfit, somewhat like a mini-Sierra Club. We had a dozen committees dealing with housing, and education, and transportation, and parks and recreation, and regional planning, and it was I who staffed each of those committees, helped them write their papers, and helped write editorials for them to record on KNBR [local radio station]. It was I who attended the daytime public hearings of the board of supervisors and testified before the board.

LAGE: What were the issues during those five years?

FISCHER: Oh, whether or not to build the southern crossing bridge [across San Francisco Bay], for instance, which I was one of the principal spokesmen against back in those days. Sierra Club folks got to see me in that kind of environmentalist role. Whether or not to extend the life of BCDC, the Bay Conservation and Development Commission, which was a temporary state agency.

As a matter of fact, I followed [Joseph E.] Joe Bodovitz, who had been the associate executive director at SPUR. I became Joe's successor at SPUR. Joe left SPUR to become the head of the San Francisco Bay Conservation and Development Commission [BCDC].

Then, in the late sixties, coastal legislation became a big deal, and by that time, as well as working at SPUR, I had become the AIP delegate to the Planning and Conservation League board of directors. While in that seat, I was appointed chairman of a mediating board, because the Sierra Club and PCL were at



loggerheads over coastal legislation. So I got to be moderately well known and well versed in the details of coastal legislation, and why this direction was a better environmental direction than that one. So I was able to make peace between Sierra Club and PCL.

LAGE: Did you reach a middle position?

FISCHER: No, I would say the more aggressive position was the one that was. . . . Well, let me see. The main issue between us was whether or not there should be any local elected officials on the coastal commission, and yes, we arrived at a middle position saying that half of the commission should be local elected officials, and half John Q. Citizens. The Sierra Club had said no local elected officials, and the legislators were saying all local elected officials, and so we at PCL went half and half. We convinced Sierra Club to go along with that as the only compromise that was likely to make it through . . .

[End Tape 1, Side A; Session continues with Sierra Club portion of interview. State Archives interview resumes with tape 2, side A]



[Session 2, July 29, 1993]

[Tape 2, Side A]

LAGE: This is July 29, 1993, and we're doing an interview on the California Coastal Commission with Michael Fischer for the State Archives State Government Oral History Project.

FISCHER: Sitting at the kitchen table in Mill Valley.

LAGE: Yes, sitting at your kitchen table in Mill Valley. And we've previously done an oral history with you focusing on your time as executive director of the Sierra Club, and in covering your Sierra Club career we got some personal background that will become part of this interview also. And now we want to start with your coastal commission connection, which you have told me actually goes back to before the coastal commission was actually created. So why don't we start there, with efforts to pass a coastal act?

FISCHER: Right. Well, first of all, let me tell you how honored I am and tickled that. . . . Oops, there's the phone. [Interruption]

LAGE: You were in mid-sentence.

FISCHER: OK, I was in the mid-sentence, and just . . .

LAGE: And saying something very gracious.





FISCHER: . . . a very short statement that I am very honored and flattered and delighted that you're doing this oral history with me, and I am very appreciative, and thank you very much.

LAGE: Good. Well, you don't need to be appreciative; I feel like we're getting important information.

FISCHER: Good. As the earlier tape indicated, I used to work at SPUR as associate director. That was from '69 to '73, something like that. While I was at SPUR, I was also on the board of the Planning and Conservation League [PCL]. In 1969, the coastal legislation was proceeding through the assembly and then over to the senate, and it turned out that PCL, the Planning and Conservation League, and the Sierra Club had different positions on things and were starting to hurl brickbats at each other. So I was the board member appointed to chair a "make peace" committee between the Sierra Club and PCL on coastal legislation. So I had to become very familiar with two versions of the legislation.

The key issue, actually, that was between PCL and Sierra Club, turned out in retrospect to be one of the principal flaws of the ultimate coastal legislation, and that issue revolved around what percentage of the commission could be from local government, local elected officials.

LAGE: And which side did the . . . ?

FISCHER: PCL was ready to take as many as any appointing authority wanted to put on, and the Sierra Club said, "Zero local elected officials!" So we compromised . . .

LAGE: As usual.

FISCHER: As usual, at 50-50. No more than half.



LAGE: That's interesting, that the Sierra Club kind of perceived the problems, foresaw them.

FISCHER: That's right. It was a key problem. My current view is that the coastal commission has followed the normal political science rule of thumb, that is, a regulatory agency becomes captured by the industry that it regulates. In this case, the coastal commission regulates local government.

LAGE: And is captured by it?

FISCHER: And they've been captured by local government, well and truly. So the Sierra Club, I think, was prescient way back in '69.

But because of that role back in '69 and '70 as the legislation went from the assembly to the senate in '69, '70, and '71, and was killed by Senator [Richard J.] Dick Dolwig's Government Organization Committee each time, the bunch of very conservative, very. . . . Actually, Dick Dolwig was ultimately indicted for corruption. He was a state senator from San Mateo County.

LAGE: Oh, that's right. He was interviewed for the State Archives program.

FISCHER: Was he really? [Laughter]

LAGE: [Laughter] Gingerly, on some of those . . .

FISCHER: Well, he got his just desserts, anyway. Old troglodyte he.

In any event, I became knowledgeable about coastal stuff, and even though that wasn't central to the mission of SPUR, which was mostly a San Francisco-oriented enterprise, SPUR did have a regional committee and a regional open space committee, and coastal open space protection was a key part of that. Indeed,



when I was at SPUR, one of the continuing battles that we fought was to protect the federally owned open spaces [in San Francisco and Marin County], like the Presidio, like Fort Mason, Fort Miley, Alcatraz [Island], and the Marin Headlands.

I remember very clearly one day, in the rain, standing at Fort Miley, which is behind the Palace of the Legion of Honor, right there on the tip of . . .

LAGE: Near Land's End.

FISCHER: Near Land's End, that's right. The General Services Administration [GSA] wanted to build a warehouse to store Vietnam veterans' chest x-rays there, and just by happenstance, the face of the building that looked over the Golden Gate and looked north up the Marin coast was going to be the regional administrator's office of GSA. And so a number of us environmentalists were there on the site having a press conference. I remember it was raining, and we had an umbrella. Standing next to me was Amy Meyer, who lived right across the street from this Fort Miley site. It was this project that awakened Amy Meyer [later the cochair of People for a Golden Gate National Recreation Area] to environmental leadership.

In any event, from Fort Miley we could see the Marin Headlands, where Marincello, the big housing development, had been proposed. We could see Alcatraz Island, we could see Fort Mason, and we could of course see the Presidio below us. We said, "God, we're fighting against developers on each of these things. Pretty soon we're going to lose," and I've forgotten who said it first, but one of us said, "Wait a minute. You can see all



of these rich, beautiful treasures from each other. They're a national park."

LAGE: So that was the moment when it came together?

FISCHER: Yes, that's right. There was just the click of an idea, and then from that, Amy Meyer got turned on, and [Edgar] Ed Wayburn [a director and former president] of the Sierra Club got turned on.

LAGE: People for a Golden Gate National Recreation Area [PGGNRA].

FISCHER: Was born. That's right. As they called themselves, [pronounces "pifgenura"] PGGNRA. Anyway, the Golden Gate National Recreation Area, which was then in place by the time the coastal legislation got going, was a part of what I had done at SPUR. So it was a natural kind of nexus or link to the open space efforts. But yes, I was involved then in Proposition 20,<sup>1</sup> because with the senate Government Organization Committee stalling legislation each time, even though there was an overwhelming majority in the assembly that passed it, and even though we believed the votes were there on the senate floor to pass it, the procedures simply stalled it out. So we as citizens went to the electorate.

LAGE: Which wasn't as common in those days as it is now.

FISCHER: Very unusual, even though it was Proposition 20. That meant number twenty on the ballot, so it was a pretty long-form ballot. But I'll never forget the headlines in the Los Angeles Times, the banner headlines up on the top said, "Nixon Wins by Landslide," and the subhead was "55.2 Percent of the Vote." And in the

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<sup>1</sup> Proposition 20, Coastal Zone Conservation Act, November 1972.





lower right-hand corner of the front page, it said, "Coastal Act Squeaks By, 55.2 Percent of the Vote."

LAGE: [Laughter] Oh, that's wonderful!

FISCHER: Which is kind of the mindset of, 55 percent, that's a landslide for a president, but not so much of a landslide for a citizen initiative. But in any event, that was . . .

LAGE: That was '72.

FISCHER: November of '72, that's right.

LAGE: Came into effect in '73.

FISCHER: That's right. And by that action, that was the first state agency ever created by a vote of the people, by the people themselves. It was a temporary agency, as you know, the so-called California Coastal Zone Conservation Commission, as opposed to the California Coastal Commission which exists now [since 1976].

LAGE: Took me a while to distinguish between those two, but I think I've got it now. The temporary one was the California Coastal Zone Conservation Commission [1972-1976].

FISCHER: That's right, that's correct. The CCZCC. That commission was charged with preparing a plan for the coast. It was given four years to do it.

And in the meantime, to prevent an Oklahoma land rush of developers "buildin' while the gettin' was good," the commission was given the authority to grant or deny permits within 1,000 yards of the mean high-tide line, to prevent all the horses running out the barn door before the door is finally closed. The interesting thing was that the focus in the legislation and the charge was on the coastal plan, and the permit authority was a



secondary kind of means to the end, to kind of hold the status quo while you're doing the plans.

Well, the battles over permits quickly became center focus. I mean, the needs of tomorrow never, ever have quite the standing as the urgent demands of today.

LAGE: And did they feed in to making the plan as well?

FISCHER: Well, that was the rationale that we adopted.

LAGE: Oh, I see. [Laughter]

FISCHER: We said, "Wait a minute, this makes our plan much more real, because we're going to have to cut our eye teeth on real, live issues, with real, live people, with interests."

LAGE: But that makes sense. It sounds like more than a rationale.

FISCHER: Yes, it does make sense, except to the extent that it focuses you on today, and focuses you piecemeal, and requires you to make a compromise based on piecemeal emotions, rather than on . . .

LAGE: And public pressures.

FISCHER: And public pressures, and political pressures, rather than on a comprehensive, thoughtful approach to saying, "Well, here are the eighty-seven stakeholders, not all of whom happen to be at this public hearing, and how do we satisfy those eighty-seven stakeholders, some of whom haven't been born yet?" That kind of planning approach is made literally impossible by the hurly-burly of the heat of the day.

So one of the questions you asked was the hiring process. I had no intention of going for any of the jobs at the coastal commission until my boss at SPUR, John Jacobs, said, "Michael, there are regional commission positions available. You know



about this coastal stuff." And I said, "I'm not ready to be a boss." How old was I at the time? Thirty-two. And enjoying the hell out of working at SPUR. It was a small organization, total staff of five, and I felt pretty free there, and had never been in a position where I had supervised anybody, anything more than a secretary and a draftsman. But basically, John Jacobs gave me a good swift kick in the butt and said, "Oh, you don't have to take the job, just try for it."

So I tried for the regional executive directors in both the Santa Cruz and the San Rafael offices. The Santa Cruz decision was made first, and they chose somebody from Santa Cruz County. I was proud to be told by the chairman of that commission several years later that that was the worst decision that they had made, that they really wished that they had hired me, and that was nice to hear later on.

But the commission that I was hired to serve [the North Central Coast Regional Commission] covered San Francisco, Marin, and Sonoma Counties. As you know, there is significant rivalry between suburban counties, particularly an exurban [mostly rural county on the edge of a metropolitan center] county like Sonoma, and San Francisco.

LAGE: They are really counties with extremely different interests.

FISCHER: That's right. Yes, that's right. So as [Regional Coastal Commissioner] Michael Wornam still loves to tell the story, here comes [Robert] Bob Mendelsohn. Bob was a supervisor for the City and County of San Francisco, and indeed I had beat out Bob for the job of associate director at SPUR. He and I were



candidates for that position. Bob being the kind of guy he is, the day I got the job, he phoned me up and said, "Hey, let's have lunch. I'd like to get to know you." Just as you're aware that five minutes ago I got a phone call telling me that the EPA [Environmental Protection Agency] regional administrator position was chosen and it was somebody else, and that's a job that I was pursuing, so tomorrow I will give her a call. I will call up Felicia Marcus and say, "Hey, let's get to know each other."

LAGE: It sure is a nice way to do it.

FISCHER: It is. And so Bob Mendelsohn, who was on the San Francisco Board of Supervisors and a member of the North Central Coast Regional Commission, went to the commission personnel committee, I guess, the hiring committee, and said, "Hey, you ought to consider Michael Fischer," and Michael Wornum tells the story, the rest of them all kind of cocked their eyebrows and said, "Oh, a city boy, huh? Somebody from San Francisco." And Mendelsohn said, "No, no, no, serious, this is a good guy. Suspend your disbelief." [Laughter]

LAGE: Did you live in Marin County then?

FISCHER: No, I didn't. No, I had grown up down on the Peninsula; not grown up, but I started work at the City of Mountain View and then had worked at the County of San Mateo. I was kind of working my way north. When I got the job at the coastal commission, as a matter of fact, [Melville] Mel Owen, who was the chair of the search committee, said, "Well Michael, now you can move out of San Francisco. Why, we've even got a preliminary lease on the office space, and you can buy a house





three or four blocks away in Terra Linda, and put your kids in Marin schools," and I did. [Laughter]

LAGE: Nice timing.

FISCHER: It was a major life-changing experience for my young family, so my kids basically ended up growing up in Terra Linda as a result of it. And clearly, the internal politics of the regional commission around hiring me was part of the urban-exurban dynamic, you know, "What are we looking for?" And the fact that I was knowledgeable about the coastal act, the fact that I was of the environmental community, having been on the board of PCL and having kind of quelled that warfare some years earlier, and because I was able to demonstrate to the commissioners that I knew something about the coastal commission and its history long before any of them had thought of being appointed to the commission, so here I was, a very young person, but still with a longer track record in this particular arena than they had. So that gave them some confidence.

But boy, what a hurly-burly, when I reported on the job! Temporarily, the County of Marin was staffing the regional commission, and [Thomas] Tom Campanella, who had been the deputy administrative officer for the County of Marin (he's now the chief administrative officer) was the kind of acting executive director for the first. . . . Well, they started meeting I guess in early February, and I came on board in April, I think.

LAGE: April. It sounded like you were part time for a short bit, and then . . .



FISCHER: Yes. So for the first couple of months, Campanella and a couple of staff members from the County of Marin. . . . Actually, I think ABAG even delegated a couple of their interns to go work in the County of Marin.

LAGE: That's really starting up from nothing!

FISCHER: Yes. Well, I walked in . . .

LAGE: That's the excitement of it.

FISCHER: . . . there was no application form for permits, I just barely knew what a claim of exemption was, vested rights, because when I was at SPUR, we had sued a developer whose building violated the city's urban design plan, and SPUR lost because the developer had his permits and he had started building--just barely--pursuant to the permits before we sued. So he was home free. So the first, oh, almost year of our effort was focused on these people who were in the pipeline, who had gotten some semblance of permits from the County of Sonoma or the County of Marin--very few permit problems in San Francisco--and they believed that they were exempt from the coastal commission's jurisdiction.

LAGE: Were they people who had just gotten permits?

FISCHER: Many of these claims of exemption we denied. They were people who had architectural drawings but they'd never even applied for permits to the County of Marin, but the door had closed and their tail was caught in it one way or another.

LAGE: And they weren't too happy, I'm sure.

FISCHER: That's right. Some of them, the door was closed and they were fully one side. On the other extreme, the door was closed and the people were completely free with their permits and their



construction was underway. Then there were all sorts of grey area matters, such as the major subdivisions of Sea Ranch and Bodega Harbor, up at Bodega Bay.

LAGE: Which were approved, as I understand.

FISCHER: Both of which had master plan approval. Like Sea Ranch, the county had years earlier approved a development of 5,200 lots. But they hadn't subdivided all of those lots yet. So we were able to get the courts to agree that they had vested rights only to the lots that they had already subdivided and improved. If it was just a paper subdivision and the streets weren't built yet, sorry guys, you don't have any vested rights to those.

Well, the developers said, "Wait a minute, we've gotten our financing, we've designed our sewer system, we've done everything based on 5,200 lots, you've gotta set us free. The door closed, but we were well and truly on the other side of the door when it closed." And we said, "No, you got not only your tail and your shoes but your arm and your leg caught in the door, and it's only that part . . ." And the same thing with Bodega Harbor. So there were big court battles.

LAGE: Well, Sonoma as a county was not unfavorable to development, was it?

FISCHER: Oh, you're absolutely right. They were, and to a certain extent still are, very, very conservative, property-rights oriented. And development meant new taxes and meant jobs, and the hell with the future. They didn't understand that they were basically giving off the birthrights of future generations, and they discounted the rights of public access. For instance, at Sea Ranch, ten miles of



shoreline was literally turned into a private beach, even though it's publicly owned tidelands, because it was a locked gate community with guards and private roads and the public was kept out.

LAGE: And they defended that as also their prior rights?

FISCHER: They countered by saying that they had cut a deal with the state by dedicating a mile's worth of county park and access up at the north end, and so that was mitigation for the closing of public access in the rest of the subdivision. And we disagreed. So that raised a very big and complex matter, but my point here is that here are these legalities over claims of exemption, vested rights, and learning the arcanities of the law of vested rights, took up a lot of the commission's time, and of course, people who were literally caught in the door were fightin' mad. They were squalling about it!

LAGE: You had some pretty hairy hearings, didn't you?

FISCHER: How do you lift your eyes to the planning and worry about planning, when you were dealing with that? Oh, yes, we had some very interesting hearings. Actually, one of the exciting things about those times was that the public knew that this was "their" governmental agency. And every meeting that we had, and we met twice a month at the North Central Coast Regional Commission level, we were a relatively small regional commission, compared to the Los Angeles commission, which had a far higher permit load than we did. But we met twice a month from about three in the afternoon until usually three in the morning. They were just exhausting.





But we would never have an audience of less than 150, 200 people, even if they weren't real parties of interest to any of the permits. They just wanted to see how--this was good theater. They wanted to see how their coastal commissioners were behaving.

LAGE: That puts a certain onus on you, in a way, doesn't it? Keeps you honest.

FISCHER: Well, I found it marvelous. As a matter of fact, again in political science terms, that kind of audience forestalled the capture, the regulatory capture, by the regulated, because here were John Q. Citizens watching the give and take, either among commissioners or between the commission and parties who were testifying. If things weren't going well from the audience's point of view, they didn't shout or scream like a British parliamentary meeting, but they would frown or shake their heads. And the power of that either opprobrium or approval was immense on the commissioners. Now, I had my back generally toward the public, so I didn't always see this, but the commissioners were looking past me to these folks . . .

LAGE: You could watch their faces.

FISCHER: Yes, and see them. They would say something and there would be either mutters of disapproval, and they'd try to recapture the approval.

LAGE: In a sense, though, I see a danger in that, because these are just the people that showed up for the hearing.

FISCHER: That's correct.

LAGE: It can make you very swayed by a small group.



FISCHER: That's correct. And indeed, that's one of the questions you asked was public participation in our planning process, at our regional commission, we adopted the position that it was a very small minority of people who were meeting-goers. And that the people who were really interested in the planning didn't even know who they were yet, probably. And we were trying to seek a wide variety of means of public involvement, so we had ads taken out in the local newspapers with little clip-out coupons asking them several key questions, or urging them to get on our mailing list.

We had a bi-monthly newsletter, where we addressed the coastal plan kind of topic, topic by topic. For each of those topics for our region, we had a newsletter saying, "Here's how the geology issues affect, here's how the weather issues or the ocean issues or the fisheries issues or the water resources issues affect, in this region." And then we'd have a little insert with a questionnaire with an address on it for them to fill out the questionnaire, and mail them back in. Or a telephone number to talk to a staff member, or a . . .

LAGE: Now, did you get responses from that?

FISCHER: Yes, we did. We got literally thousands of responses, and we took our meetings inland. We didn't just stick in those three counties. We would go into Berkeley and to Oakland and to Richmond, puzzling the hell out of people, "What are you people doing here?" But we knew, and this was the sticky part about the regulatory agency, we knew that there was a larger than local interest that needed to be protected. And going back to the Sierra Club-PCL



confusion, local elected officials can't represent well larger than local issues, larger than local interests. [Interruption]

LAGE: We were talking about public input, and coming to the inland counties.

FISCHER: Yes, that's right. And one of the key issues here for the long term for the coastal commission is how can you expect the local elected officials to represent wisely the larger than local interests?

This takes me back to another one of the strategic errors which we thought was a strength at the time. I've told you that coastal legislation had gone through the legislative hearing process in '69, '70, and '71, before we finally got frustrated at the senate and went to the people. Well, good government mavens were critical of, and still are critical of, the citizen initiative process, because it lends itself to demagoguery, lends itself to simplistic solutions to complex problems. Our response at the time was, "Wait a minute, Proposition 20 is a piece of legislation which in fact has gone through the legislative hearing process, and we have incorporated amendments that take into account the interests of a wide variety of people and forces. What we have put before you reflects that series of compromises." Trying to answer the good government folks.

Well, one of the things that we did incorporate in Prop. 20 I think is a key weakness of the coastal commission today, and that is the coastal act requires that each local government adopt their own LCP, local coastal program, and the coastal commission approves that local coastal program if it meets the requirements of



the coastal act. Then the permit authority is turned back to the local government.

LAGE: Was that true during this first regional commission, or during the second, after the permanent legislation was passed in 1976?<sup>1</sup>

FISCHER: You're very right. It was the permanent legislation in '76 that put that in. But the seeds for that were sown in the early period, and the seeds for that were sown in the make-up of the commission, saying local elected officials should have key seats on the commission. The importance of the larger than local interest has been diminished, and was diminished in the original legislation and the original planning process, and then in the current commission.

LAGE: And on your own commission, were the local folks, the representatives of the counties, noticeably different in their approach?

FISCHER: Yes, absolutely. Especially the Sonoma County folks. Somewhat less the Marin County folks. And very definitely in San Francisco, the San Francisco local elected officials, with the exception, the real exception, of Bob Mendelsohn, were there to represent San Francisco's interests and to make sure that this commission didn't get it their way. "We're the big city, and we're going to . . ." And the rest of the time, they couldn't care less that . . .

LAGE: Oh, really? Now, that was Dianne Feinstein . . .

FISCHER: Yes, Dianne was on the regional commission for, oh, about a year, if that.

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<sup>1</sup> California Coastal Act of 1976. S.B. 1277, 1975-1976 Reg. Sess., Cal. Stat., ch. 1330 (1976).





LAGE: She replaced Mendelsohn?

FISCHER: I've forgotten. She probably did replace Mendelsohn, yes, because he left to become a federal official in the [President James E.] Carter White House.

LAGE: And then [John L.] Molinari . . .

FISCHER: Jack Molinari, must have replaced Peter Tamaras. What do these asterisks mean [looking at list of commissioners from California Coastal Plan, 1975, p. viii]?

The asterisks probably were people who had been on the commissions before the publication of this list, and the non-asterisks were the sitting people.

LAGE: Yes, I think that was it.

FISCHER: Yes, here's Michael Wornum, who was asterisked, from Marin County, now an assemblyman.

LAGE: And then Gary [T.] Giacomini.

FISCHER: Yes. Good old Gary. He's still chugging right along.

LAGE: He's on the statewide commission now, isn't he?

FISCHER: He is now, yes. Gosh.

LAGE: Would you recall any of their particular predilections or ways of working with them?

FISCHER: Sure. Margaret Azevedo is very, very insightful, precise, a disciplined thinker, very good . . .

[End Tape 2, Side A]

[Begin Tape 2, Side B]

LAGE: Margaret Azevedo had been a Marin County planning commissioner.



FISCHER: That's correct. And you have to understand, at the local level there is always a great tension between planning commissioners and city councilmen or supervisors. Planning commissioners tend to like planning, because that's their job, in a self-selecting sort of situation. Elected officials tend to hate planning, because it restricts their flexibility and it locks them in to a plan. So when a donor or a voter or a landowner wants them to do something, they usually have to try to amend the plan, and they don't like all of this stuff. So that the more general the plan, the better for the elected officials; the more specific the plan, the better for the planner types.

LAGE: I see, so that was the tension.

FISCHER: Oh, yes, absolutely. And that's where Margaret Azevedo would be coming from the planning commissioner's point of view, which is what we wanted to do. We were looking for a coastal plan that defined what was going to be protected and what was going to be developed, and if it was to be developed, under what terms.

LAGE: So you wanted specificity.

FISCHER: Yes, and that's a word that was used, and people's tongues would curl around their eyeteeth as they tried to say specificity, because it's not a word that you mention in the shopping malls all that often. But yes, the specificity of the plan became a major issue. And indeed, in the state legislature in '76, the level of specificity of the plan became a major issue. "You're trying to lock into concrete what you can't foresee," et cetera, et cetera. So anyway, Margaret was a good guy.



I literally don't remember [B.] John Bugatto. [Looking at list of regional commission members.]

Phyllis Faber is also a person still around and still kicking. She lives here in Mill Valley, is an internationally known wetlands biologist. So she came as a scientist to the commission, a scientist committed to protecting and preserving the wetland ecosystem.

Ellen Johnck was a city planner, a general public member from San Francisco. She is now the executive director of a business-oriented organization that kind of watches BCDC; it's a San Francisco Bay outfit. [Bay Planning Coalition]

LAGE: But business-oriented.

FISCHER: Business-oriented, though. . . . She was quite young at the time. She was in her late twenties or early thirties, and really was coming from the environmental point of view, though she's a Republican and basically reverted to type.

[Dr. Bradford W.] Brad Lundborg remains a very good friend of mine. Brad became the statewide chairman while I was the statewide executive director years later. He's still a medical doctor up in Santa Rosa. He's the son of Louis Lundborg, who was the chairman of the board of Bank of America and the president of the statewide chamber of commerce.

Mel Owen and I remain good friends to this day. He's a patent attorney in San Francisco, Republican. Owns a wonderful old boat, a 1920s-era yacht on the San Francisco Bay, the Pat Pending. Mel is very much middle of the road. As a lawyer, he knew he had to follow the law. As a businessman and a



Republican, he liked to serve business, but Mel's votes were very good. He was not at all an emotional person given to hyperbole. So he made a very positive contribution. And during my term at the Sierra Club, he was the Sierra Club's patent attorney in our tussles with the Sierra Club Legal Defense Fund. He's known as the dean of the intellectual property community in San Francisco. Neat guy.

[Dr. Kenneth M.] Ken Stocking has got to be retired as a professor by now, very--a caricature of a professor. Kind of muddle-headed, absent-minded, and somewhat confounded . . .

LAGE: Do you know what his field was?

FISCHER: Biology. So he was a natural resource scientist, and always a good vote, unless he got confused. [Laughter] And he did from time to time get confused, particularly when people would get emotional at the podium, and sometimes people would start crying. These are people who wanted to develop, of course. Some people wanted to build the most heinous of things, and they would cry because they had their hearts set on it, their dream, their families dreams wound up in some bad project, from the coastal resources point of view. Well, Ken would get confused by crying real easy, so while he could be very, very hard-hearted and protect the coast if somebody had their lawyer up in front representing them, if they sent their mother, well, then Ken's vote might be in jeopardy.

Wanda Zankich owned the Tides Restaurant in Bodega Bay, Wanda and Mitch Zankich. She was a certain vote for developers.

LAGE: Good for business there.





FISCHER: Very good for business. She was also a major contributor to the Democratic party, and so she would tend to confuse things that way.

LAGE: Were all these people appointed from a statewide basis, by the legislators or governor, or how did they get appointed?

FISCHER: No, the three appointing authorities--the governor, the Speaker of the Assembly, and the Senate Rules Committee--each appointed, let's see, six times. . . . We had twelve members, right?

LAGE: But some of them were local.

FISCHER: Half had to be local elected officials, and half were general citizens. Should be two public from each of the three counties, and then two elected officials, usually one a county rep and the other a rep of one of the cities. And as I recall, the governor would get one county, the speaker the next county, the Senate Rules Committee the next county, that sort of thing.

LAGE: So you got a mix of persuasions.

FISCHER: So we got a mix, right.

Then we had Dianne Feinstein, and Dianne was just devilish to deal with. She was brutal to staff and impatient with the law. She owned a condo at Pajaro Dunes down in Monterey County and was aghast when she learned that she had unwittingly violated the law and built a fence from her patio down into the waves, blocking public access along the beach. She wasn't aghast in terms of being apologetic about it all, she was angry that anybody would have to get a permit for such a fence. I mean, "That's my right, that's my beach." Well, no, it isn't, Dianne.

LAGE: So she didn't quite understand the act.



FISCHER: Yes, failure to grasp the concept, right. "I live on the beach; that's my beach."

LAGE: So she wasn't that supportive of your efforts.

FISCHER: No, she wasn't. [Laughter]

LAGE: She wasn't just defending San Francisco.

FISCHER: No. Dianne Feinstein is now an environmentalist, but her environmentalism has come very, very late.

Gary Giacomini, of course, is Mr. Environment for west Marin. He was protecting primarily the farming community's interests in west Marin, which was usually consistent with the environmental interests except when dairy waste affecting water quality . . .

LAGE: Is he related to the Giacominis that are farmers out there?

FISCHER: They're all related. Yes, that's right.

LAGE: Because I ran across a Waldo . . .

FISCHER: Yes, Waldo Giacomini, Bob Giacomini. Waldo Giacomini and Gary were cousins, I think, and they didn't like each other a bit, because Waldo is very much of a booster and a developer type, and is also a cowboy from the old West: "I want to drive my bulldozer out there and build a dike around this wetland and fill it in, by God, I'm gonna do it if that's what I feel like doin' one morning, and what's this government agency gonna . . ."

LAGE: So was Gary able to communicate between the two worlds?

FISCHER: Sometimes, and sometimes not. But yes, he did try, and he did a pretty good job, I think.

Bob Mendelsohn remains a wheeler dealer of the first order, and as a matter of fact, his appointment as deputy secretary of



the interior under [Cecil] Cec Andrus was scotched by two assertions of malfeasance as a commissioner. One was securing campaign funds from the developer of Bodega Harbor, and the other was the role that he played in the San Onofre nuclear power plant, getting that power plant approved by the commission after an initial denial.

LAGE: Was he on the state commission at that time?

FISCHER: Yes. He was the regional representative to the state commission. I like Bob, frankly. He's now a very, very wealthy developer in Washington, D.C., even though he lives here in Marin. Just moved back to Marin a couple of years ago, but he's been a very visible player in the Washington, D.C., scene for some time.

LAGE: Well, aside from these sort of conflicts of interests, how was he?

FISCHER: He was a very, very good environmental vote, and very supportive of staff.

Jack Molinari, a Republican member of the board of supervisors and usually predisposed to whatever the developers wanted to do.

Peter Tamaras, ditto, though Peter, who was a grandfatherly age. . . . Jack Molinari. . . . Jack's testosterone level was far higher than Peter's. [Laughter] And Peter was truly a nice, nice man. I remember actually he attended the going-away party for me when I left the regional commission and went to the governor's office of planning and research, and Peter was crying at that going-away party. Just kind of tears of joy and sadness at parting, that sort of thing, and that's a very memorable evening.



We had a party up at Phyllis Faber's house in Mill Valley that Michael [Wornum] had designed, Michael being an architect.

[Robert] Bob Theiller, also a very nice man, but a supervisor from Sonoma County, and he was in the pocket of the developers. Whatever any developer wanted to do was just fine with Bob. And Bob was engaged in some shenanigans which were undercutting of the law, et cetera.

Michael Wornum and I had been friends for some time, and it was, I think, because of my friendship with Wornum that when Mendelsohn brought my name to the regional commission as a candidate for their executive director, Wornum was able to say to his exurban colleagues, "Oh, I know that guy! He's not a bad city guy."

LAGE: And he was chairman at the time.

FISCHER: He was chairman at the time, right. Michael had his master's degree in city and regional planning from UC Berkeley. He got it a year before I did. I did my internship in the planning consultant firm of Williams, Cooke and Mocine during the summer between the two years, and Michael had been a planner in that firm. I sat right next to him and worked on some projects with Michael. That had been, what, some four or five years--no, five or six years--previous to my joining the commission. So our acquaintanceship had run for a while.

Michael would usually be a good vote, and as a chairman was a good chairman, I think. But ethical integrity and principles are two areas in which I would not rank Michael very high. He subsequently became the chairman of the statewide commission,





years later, when I was there. He just dearly loves to be a good old boy, and to get along, and to be part of the political backscratching, logrolling, party-giving game.

LAGE: It's not so much getting contributions, but just being part of the scene?

FISCHER: That's right. Getting drunk, going to parties, and having pretty girls supplied by developers was. . . . You know, he was of that political era. It's instructive that he was an assemblyman for only one two-year term for Marin County, and yet he had been an elected official, he had been mayor of Mill Valley, he'd been chairman of the board of supervisors, he had been very visible on the coastal commission. So he was of Marin County for years and years, but his behavior as an assemblyman was so outrageous that he was unseated by a somewhat crackpot Republican, [William J.] Bill Filante, who. . . . Here he was, representing a very strongly environmental Democratic county, and got unseated by Bill, who was at first not at all an environmentalist.

So Michael, as the leader of the commission, just kind of by the way he smiled or acted more than the way he voted or didn't vote, slightly tarnished the credibility of the body.

LAGE: Was this something other people perceived as well?

FISCHER: Yes, I think so. And because he and I were the team, this is something that I certainly wouldn't have said in those days, but it was a quandary for me quite regularly, how do I deal with this guy, and how do I . . .

LAGE: Now, was this at meetings, or was it also on your day-to-day developing of policy and how to handle permits and all that?



FISCHER: The day-to-day development of policies was not a problem at all. He and I were professionals and talked the same language, and in that kind of nonpolitical scene, he was ready to delegate all sorts of authority to me and to support me. But no, it was when the plumbers union called him and he would want me to go with him to the plumbers union, or that sort of thing. The plumbers union was very interested in Bodega Harbor and wanted it to go forward. So being the wheeler-dealer in the back room was an arena in which he felt very comfortable and in which I felt very uncomfortable.

LAGE: I would guess that Margaret Azevedo brought a different . . .

FISCHER: Oh, very different. That's right. Back-room dealings? Bullshit! She was very, as I say, a disciplined thinker, and she knew that that was beyond the pale, and wouldn't sell in the newspapers, wouldn't sell in the public hearing. As I say, Michael simply came from an era that has gone. [Laughter] And has been gone.

LAGE: But if he was only a year ahead of you in school, he's not an old-timer.

FISCHER: Well, he was back in school in mid-career.

LAGE: Oh, I see. So he was older than you.

FISCHER: Yes, he was older by a decade or fifteen years. He has a British accent because he grew up in England during the war, and he was an RAF [Royal Air Force] pilot, so he would have been in his early twenties in the mid-forties. So yes, he's . . .

LAGE: So that would make him in his fifties during this time.

FISCHER: Yes. So he would be between fifteen, sixteen, seventeen years older than I, something like that.



LAGE: OK, well, that's a very nice review of . . .

FISCHER: Well, I didn't. . . . Frank [J.] Egger. Frank is mayor of Fairfax and Mr. Green in Marin County. He to this day is mayor of Fairfax, and is a bread truck driver. His measure of naivete is unplumbable. [Laughter] Just a gentle guy, but not as . . .

LAGE: Does that mean you could pull the wool . . .

FISCHER: Yes.

LAGE: Others could, or you could pull the wool over his eyes?

FISCHER: He was a very good green vote, so I didn't have to pull the wool over his eyes, but he didn't have a whole lot of personal credibility with the rest of the commissioners. So even though he was right, his arguments wouldn't sway any other votes.

[Gregory] Greg Jones [Jr.], a delightful partying guy, councilman from Santa Rosa, who was one of the weathervaning swing votes on the commission. Greg could come charging in on one commission meeting and argue strenuously for a staff recommendation, and the next meeting he'd get up on the other side of the bed and he'd be off in the other direction, and you'd never know what had happened in between.

LAGE: And did you suspect, was this public pressure or personal style?

FISCHER: Well, it was both personal style and Bob Theiller would have gotten to him, or Bob Mendelsohn would have gotten to him, or the developers would have gotten to him, or an angry environmentalist would have gotten to him. But you didn't know what had happened, and he wouldn't send any signals.

[Laughter] He wouldn't call up and say, "Gee, I've got these



questions, could you answer them?" He'd come in loaded for bear. Anyway, he made the meetings interesting.

And Lenard Grote, a professor of political science. He was the person representing the larger than local interest outside the coastal zone.

LAGE: And that was written into the legislation?

FISCHER: Into the original legislation, not the subsequent legislation.

LAGE: So he was appointed by ABAG?

FISCHER: That's right.

LAGE: Or was vice president of ABAG.

FISCHER: Yes. And as I say, a political science professor. He's been killed in an auto accident subsequently. Very gentle man, and subsequently was chairman of the state commission while I was executive director.

LAGE: Well, you went through several of these people as chairman of the state commission. It's interesting that they came from this area.

FISCHER: That's right, Brad Lundborg, and . . .

LAGE: Did you say Michael?

FISCHER: Michael Wornum, yes, and Len Grote. And Len was a straight-arrow, straight down the letter of the law sort of person. It was basically a good commission in terms of following the law and supporting and appreciating their staff, and listening to public input.

But this raises another question, the differences among the regional commissions were very great. The north coast commission was a disaster. I mean, half of their votes had to be appealed to the state commission and overturned. And of course,





then they would get their noses out of joint because the state commission was more green than they were and was more ready to follow the law. But the community up in the north coast is a development-oriented community, and the environmental community was very much challenged, so to speak.

The central coast commission was quite a positive, that's the commission in the San Mateo-Santa Cruz-Monterey area. The Santa Barbara commission was quite good. The Los Angeles commission was awful and had a retired navy captain as their executive director.

But the interesting point I wanted to make here is that this was a multi-headed monster.

LAGE: Each one operating somewhat on their own.

FISCHER: Here was [Melvin] Mel Lane, the state chairman, and Joe Bodovitz, the state executive director. Well, here I was, regional executive director, I didn't report to either of them. I served at the pleasure of the regional commissioners. They hired and fired me. My staff members were civil service members, members of the state civil service. On paper, they were member of Joe Bodovitz's staff, because there's only one budget for the whole agency, and Joe Bodovitz set the budget, Joe Bodovitz set the personnel policies, and then he would kind of depute the staffers to the regional executive directors.

LAGE: So did you not choose your own staff?

FISCHER: The truth is, I did choose my own staff. Their day-to-day contact was with me, and their day-to-day contact and the policymakers were the regional commissioners whose votes they had to solicit



and whose approval they had to get. So here were in essence seven different coastal commission staffs with tensions, rivalries, jealousies . . .

LAGE: Probably some overlapping.

FISCHER: There was some overlapping. Some of the staff members that I chose at the regional commission level ended up going to work for the state commission, because as the time went by and promotional opportunities would show up, some staff members would go from one regional commission to another. If they were an assistant planner and there was an associate planner position opened up from Eureka to L.A.[Los Angeles], that was possible for them to do. But it was the regional executive director who would make the decision that she or he would hire the person to fill this promotional opportunity.

But there was a sense of "we and they" built into the process, and some mistrust and animosity.

LAGE: Between state and regions?

FISCHER: Between state and regions, just as a broad category, and then among the regions as well, because the good-guy executive directors and staffs knew that the north coast and the Los Angeles commission staff members, our colleagues, we knew they were jerks. [Laughter]

LAGE: They were hired by their commissioners.

FISCHER: That's right, they reflected their commissioners.

LAGE: What about San Diego area?

FISCHER: Actually, that executive director turned out to be very good. [Thomas] Tom Crandall is his name, and he's one of [current



executive director of the state coastal commission] Peter Douglas's chief deputies to this day. And boy, what a hard worker he is, just an incredible guy. It was a commission in the middle, I would say. Wasn't super good, and wasn't super bad.

But at the regional commission level, we had to deal with every single permit, and we had to walk the site, we had to have the local newspaper reporters, the local supervisors, the neighbors, yammering in our ears, coming to the office, calling us at home, demanding to have us come visit with them and demanding that the whole town be present as we walked the site, and we were subject to all these hurly-burly pressures for every permit. When some of the decisions that we would come to were then appealed by the state, because the state commission could yank those decisions up by themselves without any other party appealing it, and so when they would either take an appeal from an interested party or yank a permit up and undo what the regional commission had done. . . . You know, even if in our heart of hearts as regional staff we weren't fully satisfied with our regional commission's vote, if it wasn't a big deal, you kind of resented the guys and gals from the state office yanking something up and then undoing your project. And in some cases doing what was very clearly a worse job than we did. They were insulated from the local pressures because they were in San Francisco, and nobody had their home phone numbers, and . . .

LAGE: Could you go and defend, or was it procedure for you to go and defend your decision?



FISCHER: No, it wasn't. Though we tried, by lobbying in the corridors of the state commission meetings and that sort of thing. But it was interesting, because subsequently I became the state executive director, and I learned that what might look like a very innocent permit approval in one region would establish the precedent another region that would be extraordinarily damaging, and the regional commission in San Diego had no idea what this one little wetland permit would have done to thousands of acres of wetlands in Eureka . . .

LAGE: So you got a broader perspective.

FISCHER: That's right. It was actually a very informative, instructive part of my experiences to have been able to sit on both sides of that table.

LAGE: In getting started with your work on the regional commission, what did you use for precedent? Was there enough in the act, or did the state give you guidelines, or were you on your own?

FISCHER: Well, the latter.

LAGE: [Laughter]

FISCHER: Particularly in the beginning days. We used, of course, the act, and guidelines were being drawn, and there was all sorts of turmoil about guideline drawings, because the regional staffs would sit in with the state staff in drawing the guidelines. But no, it was reading the statute, it was using our own common sense, and our sense of what we might want to do for the future. See, the permit process was made a bit easier for us in that first commission because the regional commission's job was to prepare a coastal plan by date certain, and to present that to the





legislature by a date certain. So the attorney general said, "You can deny a permit for any reason or for no reason at all, because that is not a taking of their private property, that denial of the permit, since it's only an interim denial. And the statute requires you to have a plan done by a date certain. If there wasn't a date certain, then you'd have a problem."

So what we did was to say, "Does this project raise any potential threat to the planning objectives that we might have?" And if in doubt, we erred on the side of holding open the planning options.

LAGE: So that really allowed you to be . . .

FISCHER: And not all of the regional commissions wanted to do that, but ours did. So it made the permit process a little bit simpler. Didn't make it a lot simpler in a number of kind of real human interest cases. [Herbert] Herb Angress comes to mind. Herb was a dairy farmer on the shore of Tomales Bay, and he had been partners with another family, [William] Bill and Ellen Strauss. Herb was a World War II refugee of one of the concentration camps, I think it was Auschwitz, and he came to the United States, worked as dairy farmers do, it's one of the most demanding of all jobs. Finally, he came to a parting of the ways with the Strausses, and as his part of the partnership, he took a piece of land between Highway 1 and the east shore of Tomales Bay. Forty acres, something like that. Anyway, a relatively sloping level piece of ground, but the highway ran right along, and you looked across this pasture or meadow to the waters of the bay and to Point Reyes peninsula, and beyond, and Herb's



dream was to put an inn and become an innkeeper on this site. And once the inn had been there, it would have been a wonderful site.

But the town of Marshall was two or three miles south, and the town of Tomales was three or four miles north, and it was out in the middle of nowhere, but the sort of site that you would want to have an inn. But we knew that it was going to block the view of the bay from the highway. We knew that it would condemn to urbanization a stretch of the coast that was now wide and open.

Well, this went on, and when Herb came in. . . . You were able to reapply for permits every six months or something like that, so we'd deny it and he'd wait six months and come in again. He could really do the tear-jerking number, and indeed, the third or fourth time he was before us, he was in such mental shape that I was afraid that he was going to commit suicide as a result of our efforts. And that's not an easy situation to be in. I actually went to the parish priest . . .

[End Tape 2, Side B]

[Begin Tape 3, Side A]

FISCHER: . . . parish priest to make sure that we were not engaged in an excess of hubris and bureaucratic thuggery.

LAGE: Now, did you get help from that kind of . . . ?

FISCHER: Sure, sure. You know, the priest said, "Well, you have to do what's right, and you have to take into consideration everything, and if the developer were a bad guy, would you be having any of



these concerns?" And the answer was no. It was interesting, because at the very same time, we had the Pelican Inn in Muir Beach, which was being proposed by a guy by the name of Charles Felix.

LAGE: So that's that recent?

FISCHER: Oh, yes, Charles Felix is a master. He brought over the timber and the beams and everything from an Elizabethan-era inn in England, so even though it is new, relatively new, it looks old because it is. It's got a ghost. [Laughter]

LAGE: He brought the ghost over?

FISCHER: He brought the ghost over in the timbers. But Charles Felix was an outrageously abrasive, aggressive, obnoxious, domineering, insulting bastard. Oh, was he a bad guy! And made my life hell on wheels, because he didn't want to have to deal with a permit from us pipsqueaks. . . . Well, we took a look at this sort of modest-scale, visitor-serving facility located within an already built-up area that was going to be within the character of the area, and we said, "That's what the act is all about. This is an example of the kind of planning example that we want to build into the plan." So as a staff, here I was aligning myself with a very unpopular man. The whole town of Muir Beach was in arms against the Pelican Inn, saying, "First the Pelican Inn, then McDonalds, and then a couple of gas stations, and there goes the neighborhood." And for me to be supporting that project was a difficult challenge. [Interruption]



So it was interesting that those two projects were up at the same time. Here was Herb Angress, a really nice guy, the right idea, on the wrong site.

LAGE: If only he'd been at the Pelican Inn.

FISCHER: That's right. You've got it. We thought. So that's kind of part of the dynamic.

Another incident that I am reminded of in the early days-- you asked if we had guidelines, et cetera. One of the things that we didn't have was the definition of the coastal zone. There was no map boundary.

LAGE: The thousand . . .

FISCHER: The thousand yards was the permit zone, but the planning zone, under the terms of Proposition 20, went inland to the highest elevation of the nearest coastal mountain range. Well, now that makes sense in Big Sur, right. You can look up and say, "OK, that's the ridge." Or Santa Monica mountains down in Malibu area, where the mountains go parallel to the sea. But in the Los Angeles Basin . . .

LAGE: That takes in most of Los Angeles!

FISCHER: That's right, you go all the way to San Bernardino, almost. And in the Sonoma coast, it made sense along the Sea Ranch where there was the Gualala River and the earthquake fault, but then once you got to the Russian River and south, there's no mountain range at all. There are some ridges that go perpendicular to the coast, so we were scratching our heads and saying, "Highest elevation of the nearest mountain range? Gosh." And of course, you can find some ridges and draw straight lines between them.





The state commission gave no guidance. Each regional commission was supposed to do its own.

So we turned to the Department of Water Resources and said, "Help us out." And they, being ecologists, said, "Well, you need watershed boundary, and we can help you with the watershed boundary." We said, "Well, let's be reasonable. We don't want to go up the whole Russian River watershed." So they modified, but even their modified boundary was within sight of Santa Rosa.

LAGE: So you had a large area?

FISCHER: Well, no, we didn't end up with that line, but that was the proposal that they gave to us. There was a reporter from the Santa Rosa Press Democrat who was in the office when we were opening the mail, and we opened up the map and here's this map. I remember our staff gathering around the counter, and here was the reporter too. We said, "My God, you can see the coastal zone boundary from Santa Rosa!" and the reporter said, "Let me have a copy of that!" It was on the front page of the Santa Rosa Press Democrat the next day.

I didn't know that, and I guess that was a Tuesday. Then we had a commission meeting on a Wednesday. Well, I didn't know it had been on the front page of the Press Democrat, and I was puzzled when at the commission meeting, here was this group of men, like 150 of them. And it was a very noncontroversial agenda. I couldn't figure out what they were doing.



They were impatient with government, and they were a bunch of logger types, redneck blue-collar folks, and finally they just walked up to the microphone and started talking. It took all of us a while to figure out that they were in town because of this map that was in the newspaper. Finally, one of them waved the newspaper, and we were, "Oh, now we know what you're talking about!"

They came from the town of Cazadero, which is behind the tall ridge behind Fort Ross. If you go up the Russian River, then to Austin Creek; go up the Russian River about five or six miles, Austin Creek goes north. You go up the Austin Creek drainage about four or five miles before you come to this little hamlet of Cazadero, which is a logging and gravel mining town.

LAGE: And sort of a hippie hangout, too.

FISCHER: It is now. It wasn't then! [Laughter] Well, actually it was to the extent that in the summertime, there was a music camp in Cazadero. But no, 'twarn't no hippies hanging out in Cazadero then.

Now, I had thought that the hundred or so people who showed up at the commission meeting was probably the entire male population of Cazadero. So I grabbed the microphone, and I said to the commission that I'd be glad to sit down and meet with the members of the Cazadero Community Services District and talk through the planning boundary. After all, no permit jurisdiction here, we had no plans in mind right now, and so this is not a big deal.

[Interruption]



LAGE: You tried to defuse the situation by saying it was a . . .

FISCHER: Yes. So, "Not a big deal, commissioners. I'd be glad to meet with the members of the Community Services District," because all five of the members were there. I had in mind going and sitting down in their office with these five folks. Frank Egger, whom I mentioned to you, had grown up spending his summer vacations in Cazadero. So Frank said, "Oh, I'll go with Michael." I was known as Mike at the time; "I'll go with Mike."

So Frank and I drive into town, and as we drive up to Cazadero, here are these signs on the telephone poles: "Come meet with the coastal commission." We pulled into town and here is the volunteer fire department building with the trucks backed up, all the big doors open, and people were just spilling out into the street. There had to have been 400 people there, with sheriffs' cars with the lights flashing. [Laughter] And Bob Theiller, good old Bob here, had his county supervisors' hat firmly on his head, not his coastal commissioner's hat.

The sheriff came up and introduced himself and said that there had been a number of threats, and that I'd be better placed if I made sure that they were close to me at all times.

LAGE: What an experience!

FISCHER: There were guys in the back row literally with gallon jugs of wine on their shoulder. [Laughter]

LAGE: Did you think it was so funny at the time?

FISCHER: I tried to make a joke about positioning my speaking position so that I had a door right behind me, and I said, "And there's a sheriff right outside that door, too!" [Laughter] Nobody laughed.



I think my joke fell flat. But I left that evening in the true and certain knowledge that Cazadero was not going to be in the coastal zone. [Laughter] That there just wasn't much mileage in having that much animosity. We had no idea what plans we would make; this is in the middle of the forests that were way away from the coast.

LAGE: It sounded as if you hadn't really had time to consider that proposal for the boundary line anyway.

FISCHER: Oh no, heavens no; it had just come in the mail. [Laughter] So we didn't accept the Department of Water Resources watershed boundary, though in these days of ecosystem management, it probably would have made good sense. But politically, that just wasn't . . .

LAGE: Did you also think in terms of getting the act passed, the final plan passed?

FISCHER: In those days, since that was like four years away, yes, we were starting to think about that, but also I just said, "Well, wait a minute, we've got these really critical battles," like Sea Ranch, and Bodega Harbor; "we can bite off just so many tough things that we can get through the legislature and imposing new kinds of regulations on these backwoods guys . . ." I mean, take Cazadero, you couldn't tell the difference between that little town and towns in the north coast commission. I knew that the north coast commission's coastal zone boundary was going to be like a three-mile arbitrary line.

LAGE: Now, that really . . .

FISCHER: So, I said, "Neah."





LAGE: So how did you draw the line?

FISCHER: So we got the most prominent ridge that you could basically see from the coast, and we drew a sinuous line connecting those ridges. And that went inland about five miles in some places, and a couple miles in other places. Like along Tomales Bay, the ridge line that you can see from the shoreline of Tomales Bay on the east shore, that was the planning area boundary. So that was another one of those situations that you had to grab an answer out of the air. There was nobody there to direct you.

LAGE: That's right. Let's try to go on to a couple of these big issues and see if we can sort of illustrate how things happened.

FISCHER: Sure.

LAGE: I want to save time to talk about the statewide; not today, but next time. Should we just tackle Sea Ranch? You've certainly mentioned it, but that sounds like something that you dealt with throughout the whole time with the regional commission.

FISCHER: Yes, we dealt with it throughout the whole time, all right. I doubt that we want to go through all of the cycles of the Sea Ranch saga.

LAGE: No, but just sort of a general . . .

FISCHER: I think we could probably do a general thing on Sea Ranch.

We already mentioned that the master plan for Sea Ranch was approved by the board of supervisors; my recollection is in '64. Because I remember I was working for the City of Mountain View, which would have been in the '64 era. I remember they had a big model at Ricky's Hyatt House down in Palo Alto, and Lawrence Halprin, an internationally known landscape architect,



had been the designer. So here I was, a junior land use planner, I had not yet gone to grad school, but was very much into reading about planning, and here was what was known as one of the reputable plans.

I had driven by the Sea Ranch even before then, in the early sixties, and had been just taken by the wild landscape with these hedgerows, large cypress hedgerows that went perpendicular between the highway and the ocean. I was just really amazed. I remember picnicking with my infant kids and my wife up on a windswept hill at Sea Ranch, and just reveling in the scenery.

LAGE: Very dramatic.

FISCHER: And it wasn't the Sea Ranch then. This was before the ram's head logo and all that sort of stuff. So I had that knowledge of the place as a special place.

Then, in '64, I went to see the plan, and saw how it protected the meadows, and it tucked the houses into the hedgerows, and it retained the hedgerows.

LAGE: So it was a sensitive plan.

FISCHER: Very sensitive plan, for its kind. So I walked into the Sea Ranch situation kind of predisposed to like the place. Indeed, while I was at SPUR, the president of SPUR, a guy by the name of [Robert] Bob Kirkwood, had built a house at Sea Ranch tucked down into the meadow with a sod roof, very low, nonimposing, though expensive and moderately large house. But very, very sensitively tucked into the land form. We had gone and visited in that house for a couple of weekends. Indeed, my wife and I just stayed last New Year's weekend, a whole week between Christmas



and New Year's, in that house. So I walked into the Sea Ranch battle kind of thinking that this is a pretty neat place.

Actually, somebody you might want to talk to is Reverdy Johnson, who's an attorney at Pettit & Martin and was the attorney for the Sea Ranch Association. Sea Ranch brought in their high-powered attorneys, and just by coincidence, the developer of Sea Ranch [Oceanic Properties] was just mentioned to me on the phone from Hawaii. It was owned by Castle & Cooke, which is a subsidiary of Dole Pineapple [Company]. So the management decisions in Sea Ranch were being made from Honolulu, interestingly enough.

But the citizen initiative, the spark to put Proposition 20 on the ballot came from the anger that the environmental community in Sonoma County, tiny little carriers of this flickering flame, the anger that they had at being blocked off from the public tidelands, the anger that they . . .

LAGE: On Sea Ranch?

FISCHER: At Sea Ranch. Sea Ranch was the spark which ignited their flickering little flame. The citizens banded together in an organization called COAAST . . .

LAGE: Oh, that was where that started.

FISCHER: C-O-A-A-S-T, which stood for Citizens Organized to Acquire Access to State Tidelands. [William] Bill Kortum was one of the founders of COAAST. Bill was subsequently a supervisor in Sonoma County. He's a veterinarian, I think now a retired veterinarian, from Petaluma. Anyway, Kortum and his gang . . .

LAGE: So they were watchdogging you.



FISCHER: Watchdogging us, and really sparked the citizen initiative. It was they who brought the issue to the two women who I haven't mentioned yet, and who really need to be recognized, Claire Dedrick and Janet Adams. They were the duo who sparked the Save the Coast Initiative statewide and got the bicycle rides and the bake sales and the signatures, and the garden clubs, and all that sort of stuff. Claire Dedrick ultimately was the secretary for resources at the state of California under [Governor Edmund G.] Jerry Brown [, Jr.].

But in any event, Sea Ranch was the spark that got citizens angry, that walled them off from the coast. So even though I was predisposed to the Sea Ranch from my plannerness, from my citizen environmentalist point of view I was outraged at a county board of supervisors that would give over to big developers this historic treasure, because just south of Sea Ranch are a number of other similar sheep ranches, north and south of Salt Point State Park: the Richardson ranches, Buzz Richardson. So if Sea Ranch, particularly Sea Ranch and Bodega Harbor, were to go, then that whole beautiful, wild Sonoma coast could have been subdivision ticky-tacky, like it is just north of Bodega Bay. The Sereno Del Mar and Sea Cape subdivisions, as I recall, just ticky-tacky stretching . . .

LAGE: And that was before the coastal commission?

FISCHER: Before the coastal commission, that's right. So we took a look at this kind of schlock that threatened to carpet the Sonoma coast, and knew that a number of problems existed. One was the capacity of Highway 1 to absorb the traffic generated by a large





town. Five thousand dwelling units equals a community of 15,000 people, which needs all sorts of services and supplies, and narrow, winding Highway 1, which is so central to the character of the coast, would perforce become a freeway, unalterably changing the rest of the coast. So traffic generation was a problem.

Water supply from the Gualala River was a problem. The houses were dependent upon septic tanks, and the soil mantle was quite shallow along the coastal terrace, and was there going to be pollution from that.

LAGE: Had those things been considered by the county? You'd think that water and sewage at least would be considered.

FISCHER: Yes, but not much. Yes, one would think. But no, the county was quite willing to let the engineers hired by the developers deal with it, because the developers were in only for selling the lots. They were interested in getting their venture capital out there, putting the roads in, selling the lots, and then disappearing. So if the septic tanks failed, they knew that the buildout rate was likely to be slow enough that the cumulative effect of the septic tanks, if they were lucky, wouldn't come to pass until they were long gone. So the developers didn't have any motivation to put in a long-term solution to water and sewer.

Another thing that they did, in order to sell the lots, to sell security, they planted something like a quarter million trees right along the west side of Highway 1 to block the view of drivers into the back windows of houses. Well, in addition to that, it blocked views of the coast, and these views up and down the coast at Sea



Ranch are magnificent. So we came in saying, "Tear out trees." We came in saying, "Create access paths through the meadows down to the beach."

Well, these sorts of things were anathema to the Sea Ranchers. "Trails? Through my back yard? Down to the beach? People leaving trash and littering and raping my daughter?" And all this sort of stuff. So the negative reaction from the Sea Ranch Association was emotional, to say the least.

LAGE: Now, was the association made up of those homeowners, or did the developer kind of control it?

FISCHER: Well, both. The key word that you used was "homeowners," as opposed to "lot owners." The Sea Ranch Association board of directors was composed of those people who lived at the Sea Ranch, and it was in their interest to prevent more houses from being built. And so they knew that. . . . by being hard-nosed to the commission, and if the commission was hard-nosed back and set in a moratorium on future building, well, then they had a bucolic playground to themselves. So they were . . .

LAGE: This gets very complicated.

FISCHER: Very complicated. There was some using of the commission by the Sea Ranch Association, which wasn't dominated by the developer, but the developer's package. And there were some huge egos involved in the development package. There was [Lawrence] Larry Halprin for one. Another architect who helped him out by the name of Al Boeke, a crashing ego, of world-class stature. And then the litigator-type attorneys who came in with their peculiar brand of chutzpa. You know, "You pipsqueak



commission not gonna cause us to change our marketing plan, and our marketing plan has 5,200 lots, our marketing plan has screened views, our marketing plan has private access gates, and bugger off, you guys."

LAGE: Then did you have the COAAST people there at these hearings, also?

FISCHER: Oh, yes.

LAGE: So you weren't only attacked.

FISCHER: That's right. Well, they of course wanted us to go so far as possible in the other direction. They wanted us to go beyond the lines that the law would allow. As I mentioned, we were required under the law to give claims of exemption where they legitimately existed. There were some subdivision units where the streets were already in, the utilities were already in, and no houses built yet. Well, Oceanic Properties had a vested right to sell those lots. None of the future lot owners had any rights, because selling a lot didn't require a coastal permit. So here was Oceanic marketing these lots, but if we were saying that there's going to be a moratorium, then they weren't selling very many of them.

So it was a very complex, arcane thing, and the market segment which was self-selected to be interested in the Sea Ranch was very much an upscale market segment. So we very quickly learned that state legislators found it impossible to go to a cocktail party of campaign contributors anywhere in the state and not find somebody who was pissed off at the coastal commission's moratorium on Sea Ranch.



LAGE: I can imagine.

FISCHER: And as Margaret Azevedo's article<sup>1</sup> points out, we knew that Sea Ranch, the developer, the homeowners' association, the real estate salesmen, and the current and future owners of lots, were all part of the same piece of cloth. What we had in front of us most frequently was the little guy, the individual owner of a lot who wanted to build a house. Here we were saying, "But water, but traffic capacity, but access to the beach, but septic capacity, and trees along the highway."

And the lot owner would say, "Uh, but the trails that you want aren't within a quarter mile of my lot; I can't do anything about that. But my septic tank perks, and my septic tank won't hurt anything. And I promise, we'll only have one car at a time. And gee, we'll put in water saving toilets and everything like that, so my house wouldn't overswamp the character. And gee, the trees that are blocking views are nowhere near my lot. If they were on my lot, I'd cut them down. Honest, I would!"

[Laughter] So one at a time, you'd have these people who were saying, "And my kids are eight, nine, and ten, and their grandmother is eighty-five years old now, and this is the house that we dreamed of having for my kids and my grandmother to spend long summer vacations together, and if you impose a, even if you're calling this a temporary denial until you've got the plan done, the plan's not going to be done and through the legislature for four years; by that time, my grandmother's going to be dead,

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<sup>1</sup> "A Change of Heart on the Sea Ranch Decision," in California Living, San Francisco Chronicle, February 8, 1981.





and the kids will never have this shared joy that we've been planning for . . .".

LAGE: Was this an actual argument?

FISCHER: Oh, yes, oh, yes, absolutely. Not just once, either. And even though it was a recurring argument, I believe it was a true one. They were sharing the dream that they wanted to have. And so we had these little-guy, tearful people marching in front of us who couldn't deal with the larger issues.

LAGE: And I can see how they would feel a little resentful. I think Margaret Azevedo uses the phrase "being held hostage."

FISCHER: Yes. Well, and at the regional commission level, we kind of dealt with this very difficult thing and were relatively firm. We said, "But these are statewide issues. The scenery being blocked by the trees, the water, the highway capacity, et cetera. If we approve piecemeal one at a time, the whole thing is going to unravel and we will have lost these larger planning concepts."

LAGE: Were you trying to negotiate to mediate on these other issues?

FISCHER: Yes, and the plan finally did. . . . The ultimate solution, I think, is an equitable and a desirable one. The ultimate solution has the total size of the development at about 2,300 lots.

LAGE: Less than half.

FISCHER: There were already 1,700 subdivided and sold when we came on the scene, so less than half of the total size. There are six access pathways in the ten-mile stretch, very sensitively located so that the trail goes usually through the windrows or down a creek bed so that it doesn't provide threats to security or privacy of homeowners, and selected thinning of the trees took place.



[Michael] Mike Painter, who's a landscape architect here in Mill Valley and a friend of mine from SPUR, spent a better part of a week with me going up and down the coast and identifying those particular trees where you needed windows or needed to let them mature, and then do some trimming of the lower limbs so that the public interest in the views was protected.

We came up with a moderately sophisticated plan for the trees and the water, and indeed Sea Ranch themselves worked with the State Water Resources Control Board. They finally said, "Wait a minute, the septic tank situation isn't going to work. You need some package plants." So ultimately, the resolution at Sea Ranch I think is equitable for all parties.

LAGE: It generated a lot of heat.

FISCHER: During the time we were there, they had their heels dug in and they were saying, "No, no, no. We're not going to change. You guys are wrong." And pushed the little guy out in front of them, and forced us to say no to the little guy. The state commission, I think to their discredit, pulled all these things up on appeal and said, "Look, this is too much of a political hot potato, we've got to let the little guys go ahead and build. We'll simply require them to pay an in-lieu fee," I've forgotten what it was, but somewhere in the neighborhood of \$1,500 to \$2,000, "and we'll use this money to address the tree trimming, the highway access, the water, and the septic."

Well, they pulled the money number out of the air, and there was no authority that the commission had to use any of this money for, and how would you use it, for highway access? We



didn't want them to build a freeway. And they simply latched onto a politically convenient technique.

LAGE: Sounds almost like a bribe.

FISCHER: Yes, it does, doesn't it? Well, that is a holding hostage situation. But later on, when I got to the state commission, the state commission agreed with me that these in-lieu fees weren't a solution to anything, and so we stopped them and had another moratorium for a while.

LAGE: When did it get resolved?

FISCHER: It got resolved, interestingly enough, like in '84.

LAGE: So you were on the state . . .

FISCHER: I was there, and . . .

LAGE: And was it by a legislative solution?

FISCHER: Yes, it was, and I'm trying to remember the legislator's name. [Leroy F. Greene] The Sea Ranch Association got an African American former assemblyman, now who had turned lobbyist, to be their lobbyist. This African American minister went to a born-again assemblyman who had been his good friend when they were both assemblypersons, Tom Bane. And Bane carried a bill for the homeowners' association to basically get the coastal commission off their back. And Bane, not knowing very much about the Sea Ranch at all, nor did the lobbyist, whose name I've forgotten now, but Bane picks up the phone and calls me and said, "I'd like to talk to you about it, and would you lead me by the hand through what this controversy is all about?" And so I did, and after our discussion he said he wanted to talk with both the commission and Sea Ranchers at the same time. So he . . .



[End Tape 3, Side A]

[Begin Tape 3, Side B]

FISCHER: . . . called this meeting.

LAGE: The Sea Ranch Association, probably.

FISCHER: OK, the Sea Ranch Association reps. Peter Douglas may have been there with me. It was just a couple of us. The lobbyist, Leroy I think. . . . It was in Bane's office, a small group of people. And Tom Bane is a gentleman. Didn't have the rigorous thought process that Margaret Azevedo has, but he wanted to listen. And the Sea Ranch Association reps behaved true to form and were abrasive, aggressive, obnoxious, demeaning to me. At the end of the meeting, Tom Bane turned to me and to the lobbyist--the lobbyist professed himself to be utterly embarrassed and bewildered--and Tom Bane said, "Well, no way am I going to do a bill that represents those guys. Michael, tell me what you think the components of the solution will be?"

LAGE: And did he say this in front of the Sea Ranch people?

FISCHER: No, they were gone. He was just livid. He was really upset. He was affronted, basically, by their performance, and it was the same kind of performance that they had played for years now. So we sat down and said, "Well, access." And it was the Bane bill which called for the state to drop its lawsuits, and in return, access would be dedicated and a number of septic tests would be taken, and the standards of the water board would be met, et cetera, et cetera.





So the Bane bill, which started out being Sea Ranch's measure, turned into our measure.

LAGE: How interesting.

FISCHER: And we then supported it, and the Sea Ranch Association opposed it, but finally they swallowed it. And that resolved the issue. Thank heavens for Tom Bane!

LAGE: Yes.

FISCHER: But it could just as easily have gone the wrong way. Tom Bane could have been not a gentleman and could have just bulldozed through a piece of legislation, and it probably would have passed. Interesting world.

LAGE: Was he the representative of that area?

FISCHER: No, he came from inland southern California. Nothing to do with Sea Ranch at all. It was kind of like a Martian descends from the sky, here I am in this Martian's office. [Laughter]

LAGE: [Laughter] Well, that's a complicated one.

FISCHER: Yes. That was the Sea Ranch.

LAGE: Here's an issue that may be less complicated; Margaret Azevedo mentioned Christo's Fence.

FISCHER: Ah! [Laughter]

LAGE: I didn't put that one on the list, but it sounded as if it brought up new issues.

FISCHER: Highly entertaining. This is the curtain, the twenty-four-mile-long curtain that Christo built from, oh, near Santa Rosa or near Petaluma, I've forgotten which, through the Two Rock Valley. I



guess it was from Petaluma through the Two Rock Valley, through Valley Ford, and then into the ocean between the Estero de San Antonio and the Estero Americano, which are in northern Marin. Most of the rest of the length of the curtain was in Sonoma County. Christo Javachev is an artist with an international reputation for wrapping things, like bridges or islands.

LAGE: He did the umbrellas on the Tehachapi Pass.

FISCHER: He did the umbrellas on I-5, that's right, just several years ago. And he's wrapped the Pont Neuf in Paris, and islands in Biscayne Bay. I guess the one immediately before this was a big curtain he had put across Rifle Gap in Colorado.

Now, Christo is an art mogul, and what he sells is photographs of his doing this art. So he goes to sponsors, foundations in some cases, and gets the up-front money to do the wrapping, but the art is the books, the big fancy books, and the photographs and sketches which then travel around the world to museums. So it's in his interest to have the approval process as much of a circus as possible, so that he has videotape, and he has newspaper clippings . . .

LAGE: Because this is part of the process.

FISCHER: That's right, part of the art is . . .

LAGE: Performance art.

FISCHER: That's right. And I as a public official did get my high hat on and said, "Wait a minute, I'm not being paid to be a bit player in this guy's performance art, nor is my commission meant to be demeaned in this way, meant to be used or exploited in this way." My other thought was that the whole message that the coastal



FISCHER: commission is trying to send is that man's built works should be subordinate to the natural land forms, and that man should not dominate the earth but instead be part of it, and be subordinate to it. And while somewhat benign and temporary, Christo's art was part of what's called earth art, and other practitioners of the art use bulldozers. They draw scallops in the desert or notches in ridges in Mexico, and call that earth art. That's utterly antithetical to the philosophy and the spirit of the commission.

So I entered that issue with those two prejudgments. Christo--this is one of the places where I was being cute--I refused to call him Christo. I learned that he had a Bulgarian last name of Javachev, so I called him Mr. Javachev, which he just absolutely hated, and I did it because. . . . And here I was, being a young cute guy playing tricks, misusing my position as a public official, perhaps. But anyway, Javachev hired as one of his attorneys a guy from Bolinas, Paul Kayfetz, and Paul and I had regularly been at odds. Even though he's an environmentalist, he's also a cowboy, and he liked to twit the commission or use the commission, depending upon his own interests.

[Interruption]

So I approached Paul Kayfetz, this lawyer, and said, "Look, Paul, let's really examine the impact on the coastal zone." Because our concern was just with where it went into the ocean, through the wetlands and into the ocean. I said, "Let's work out conditions so that it would absolutely protect the coastal resources, and then we'll put you on the consent calendar. No public hearing."



LAGE: This is to avoid the performance art?

FISCHER: That's right, to avoid being part of it. And frankly, even though we were saying, "This is part of earth art and is inimical and antithetical to our whole message," we took a look at the letter of the law, and the proposal that they were bringing to us didn't violate the letter.

LAGE: It was temporary, was it not?

FISCHER: Very temporary, oh, yes. It was to last for two weeks or something like that and then be torn down, and all of the steel and fabric would go to the farmers. I mean, it was a marvelous piece of performance art. Javachev's wife, Jean-Claude, went and dealt with each of the old rustic farmers through whose rolling country ranches this was going to go, and whatever worked with the farmer--they'd promise him a new TV or a new refrigerator, all the used steel--it was just delightful. And of course, they had all this on film.

LAGE: But it created a lot of opposition.

FISCHER: Enormous opposition, enormous opposition, which played into Javachev's hands. That's what he wanted, was a circus.

Anyway, as they brought it to us, it met the law. It respected the wetlands, and I said, "All right, well, it might create traffic jams, and my staff or the Fish and Game staff might not be able to get into the wetlands." So, "OK, well, we'll provide helicopters, and twice a day you and your staff can be given access to make sure that the wetlands are not being trampled over," and that sort of thing. So working with them, we had this long list of conditions, which of course also was part of his circus.





FISCHER: The helicopter thing was later mocked as, "Ah, Fischer and his staff simply wanted free helicopter rides." Give me a break.

In any event, the conditions were worked out, and we recommended to the commission that it be on the consent calendar. Well, here were 300 people in the room, but no testimony was allowed on any matter on the consent calendar. I guess maybe you could talk to the whole consent calendar in thirty-second hits, recommend that an item be deleted from the consent calendar.

Well, it took three commissioners to vote to remove an item from the consent calendar, and then subsequently at another meeting we would have to hold a public hearing. Well, Margaret was the chair, and Margaret and I had talked to the commissioners and said, "Look, come on, this is not what we're here for. We're here to do the coastal plan. This is an ephemera; let it go." [Laughter] But there were two commissioners right away who opposed it, one was certainly Frank Egger, and I'm forgetting who the other commissioner was. Probably Phyllis [Faber]; it almost had to be Phyllis. Frank and Phyllis both were part of the outraged far end of the green community, one of whom said, "My god, in the rising sun, a deer standing on one side of the fence could be silhouetted against the fabric, and a hunter on the other side of the fence could kill the deer, and it wouldn't be fair!" [Laughter] But that was at the hearing subsequently.

Anyway, I guess it was clear to the commissioners that almost everybody in the audience wanted this item removed from



the consent calendar, and it was also very clear that Fischer and Paul Kayfetz had concocted this end run so that they wouldn't have their due hearing. They'd already had hearings before the Sonoma County Planning Commission, the Sonoma County Board of Supervisors, the Marin County Planning Commission, and so they'd already had plenty of film.

Finally, ten minutes into it, I thought it was going to stick, I thought it was going to stick, finally Ken Stocking--God love his heart, good old Ken Stocking--with his confused hand says, "Well, I'll be the third!" [Laughter] Ken!

LAGE: Oh, dear.

FISCHER: If words could kill. So three full days, spanning six weeks worth of commission meetings, went into wee hours. Person after person testified, and of course, they pulled out. . . . For this first meeting on the consent calendar, part of our agreement was no cameras, and no sketchers or artists or anything like that. We don't want to be part of your circus. Well, once it went to public hearing, all holds were off . . .

LAGE: So Christo could make use of every ridiculous argument that might be brought up.

FISCHER: That's right, we became part of the circus. Then, we granted the permit.

LAGE: With the same conditions?

FISCHER: That's right, a long set of conditions. Much to the outrage of all the people who had testified, because all the people who testified --with the exception of the rustics through whose land it was going and a few artist types--most of the testimony was against it.



But the commission did go along with my recommendation. Here we were known as the most environmental of the regional commissions, and we approved it.

It was then appealed to the state commission, and they [Christo's team] pulled out all the stops and got Lady Bird Johnson to call the commissioners, got Thomas Hoving, the famous New York art commissioner. All the state commissioners got free Rifle Gap coffee table books and were invited to a reception with the artist and some other folks. The state commissioners said, "Wait one minute. These are the same kind of tactics the big bad developers would use, and by god, we're not going to be used like that." They denied the permit.

LAGE: Oh, you're kidding!

FISCHER: Well, what did Javachev do? He built it anyway.

LAGE: Without the permit?

FISCHER: Without the permit, in violation. They played right into his hands! And then of course, the commission sued, and the attorney general kind of rolls his eyes at it and doesn't file any papers until after the two weeks are gone, the fence is gone, and Javachev has done what he wanted to do.

So a year or two later, I come in as the new executive director of the coastal commission and picked up the phone and called the AG's [Attorney General's] office and I said, "Settle that lawsuit, will you? For \$500?" And so they paid a \$500 fine.

[Laughter]

LAGE: Well, that's a good story. I hope it illustrates something important about the commission.



FISCHER: Yes, who knows what?

LAGE: I think it does.

FISCHER: Well, I think so, particularly the outrage that the state commissioners had over the way they were behaving. And we were trying to overlook the level of outrage and antipathy that we had to the whole process and do our job.

LAGE: Yes, you were trying to look at the law.

FISCHER: That's right. The law, and our larger job.

LAGE: We should talk now about developing the regional coastal plan.

FISCHER: You asked on the interview outline, "Did the permit process win more friends or enemies?" I can answer that in a brief way. I think that's irrelevant. I think it won more friends ultimately, because it made the plan real, and it set precedent, so that when local governments took over the permit process, they had standards. We had already broken trail.

What we were doing was changing business as usual. The change agent is the one that gets the onus, just as in the planning profession, the first planning director in any town knows that she or he is not going to have a long tenure if they're any good at all. So we, in essence, pushed ourselves out front, got people angry at the change, but we were in the process long enough that the anger over change dissipated. So by the time the local elected officials came in to take over the permit process, they didn't have to run into this wall of hatred.

LAGE: That's a good point. One reason I asked that was that I interviewed [environmental lobbyist] John Zierold years ago, and he mentioned that the passage of the act in '75 was made more





difficult because some of the regional commissions did things that were kind of ludicrous, he felt. And this generated a point around which opposition could rally, or made people think that there were too many bureaucrats designing stupid rules.

FISCHER: I think that's true. You see, Zierold was doing very much an inside-the-beltway, the-reality-inside-Sacramento-point of view. Sure, there were some cockamamie conditions imposed, and some bad decisions reached. And out of literally 100,000 permits that were issued during that period, the enemies were able to find some pretty stupid examples and were able to hoist us on those, yes.

But is that cost too high to pay for the resource that was protected? I think not.

LAGE: It doesn't seem like it in retrospect.

FISCHER: In retrospect, anyway. I mean, the legislation in '76 did pass by one vote, the last hour of the last day of the legislative session.

LAGE: And Zierold is probably remembering the arguments made to him by these legislators as he was trying to lobby them.

FISCHER: That's right. No, if Zierold and Jerry Brown had failed to get that last vote, then in retrospect, one might say, "Well, yeah, it was the stupid permit process that brought us down."

LAGE: OK, well let's stop here, and we'll look at developing the plan next time.

[End Tape 3, Side B]



[Session 3, August 12, 1993]

[Begin Tape 4, Side A]

FISCHER: One of the things that I didn't mention last time about the regional commission was the importance of the staff, and the names of the staff. [David] Dave Dubbink was the chief planner, kind of a foreigner, because he was a southern Californian, looked like it, thought like it, and talked like it. And here he was in Marin and Sonoma Counties, blond-headed.

LAGE: How did you happen to hire him up from southern California?

FISCHER: Well, he had gotten his master's degree in city planning from UC Berkeley the year before I had, and I guess we had overlapped a year, so I had gotten to know him there. This is an exciting place to work, the California Coastal Commission. And he was very, very sharp, very intelligent. Limited people skills. He was a good planner, but not a good, say, permit analyst, where you'd have to deal with people on all sides of the question. But I learned that slowly and late. As I think I mentioned last time, this was really my first "boss" job.

LAGE: So you were learning management skills.

FISCHER: I was learning management skills as I went.



[Robert] Bob Brown was the chief permit analyst, and quite a young guy, but terrific. I later hired him as the chief planner for the state commission while I was there some years later, and he's now planning director in Livermore and has been for, gosh, I guess at least ten years.

LAGE: So he came out of a professional planning background as well?

FISCHER: Yes, he had been an assistant planner for a city in central California, and I can't remember the name of that now.

Then we had Gary Holloway, who was a Marin County person, worked for Novato City Planning Department. Gary to this day works for the coastal commission. A very personable guy, not a very productive fellow, but a very, very friendly ego-smoother type.

LAGE: Did he work on the permit end of it, or was there overlap?

FISCHER: There was overlap. We were such a small staff, but he was mainly in the permit end of things.

Then we had a couple of interns, one of whom was Barry Steiner, and Barry worked for me as a legal intern at the regional coastal commission. Then he worked for me at the governor's Office of Planning and Research a year or two later. I just saw him as a matter of fact, last November at our twentieth anniversary celebration for the coastal commission. He's now in the county district attorney's office, or the county counsel's office in Sacramento. Significantly younger than I, I'd say ten years, and has MS [multiple sclerosis] and is deteriorating. A neat, neat guy.

But here we had the eyes of everybody on us. The commissioners were skeptical about their staff, the community was



skeptical about the commission, and they came to the staff to learn about the commission. So the way our very small staff kind of related to each other was important, and I know I am very proud of the relationship we developed. Even though we had different strengths and weaknesses, the interpersonal loyalty and the friendship was a source of both pride and a source of the skill with which we approached our job. Had we been at each other's throats, and I have worked in staffs where that happens, you don't do your job as well, and the whole thing suffers.

LAGE: Yes. When you said Dave Dubbink was very southern Californian, what demonstrated that?

FISCHER: Well, one of the interesting quandaries that we had in the planning stage was the development of carrying capacities for each of the beaches. You had to take a look at levels of service or congestion on the highway, and then characterize an overcrowded beach versus a well used beach. And well, carrying capacity is very psychological. What is one person's crowded beach is another person's deserted beach, and of course, here Dave was used to Malibu and . . .

LAGE: Now I'm getting the picture. [Laughter]

FISCHER: To acres of beach blankets with bikini-clad ladies on it. That was fine for Dave. But when you go to a Sonoma County beach, and it's a mile-long beach, and there's another couple at the other end of this mile-long beach, that's unacceptably crowded from a rural point of view.

LAGE: So he had to sort of learn the culture of the counties he was working in.





FISCHER: That's right. It was urban-rural more than southern California-northern California, I think.

But to shift to the planning process. Each of the regions basically followed in lockstep with the state commission. There was a single statewide plan that was adopted by the state commission with regional maps at the end of it. The public involvement process, the public hearing process, and the consideration of alternatives, that all happened at the regional commission level.

LAGE: But was the pattern set down for you?

FISCHER: The pattern was set by. . . . I'm trying to remember his name, and I will in a minute. The guy who had been chief planner for the Bay Conservation and Development Commission. When the coastal commission was established, Mel Lane had been the chairman of BCDC, Joe Bodovitz had been the executive director of BCDC, and Jack Schoop was the chief planner at BCDC. Well, those three worthies all shifted over from BCDC to the coastal commission.

LAGE: So it really was the model, the BCDC.

FISCHER: Very much so. Incidentally, I don't remember whether I mentioned this to you, but before Joe Bodovitz was executive director of BCDC, he had been associate director at SPUR. So in a way, I followed Joe from SPUR to the coastal commission.

LAGE: Right, and then onto his job, the statewide job.

FISCHER: That's right, exactly.

So Jack Schoop did model the coastal commission planning process on the BCDC process, where you took a subject at a time. You took industry, you took ports, you took water quality, you



took transportation, you took beach access, you took housing, you took geology, you took wetlands. Each of these were topics, and as I recall, there were between twelve and fifteen such elements of the coastal plan.

One of the big issues was specificity: OK, so you take this issue area called wetlands. How specific do you make it? Is it simply three pages of relatively general verbal policies? Or, do you now take these issues and the alternative policies and apply them to the wetlands in your region?

LAGE: To each separate wetlands?

FISCHER: That's right. And some of the regions didn't want to do that. Some of the regional commissioners, particularly up in the north coast, believed that to suggest that you might tell someone what he or she ought to do with their property is kind of un-American. And it was in our region, the north central region, where we wanted to be the most specific. The north central region that I worked with was both the smallest region, in terms of miles of coast, and it was also the region which had the lightest permit load. So we were able to devote more of our time and attention to the planning process.

LAGE: But you had the smallest staff, too.

FISCHER: We had the smallest staff as well, there's no question about that. But I think that even with that smaller staff, with the inclinations of our commissioners as well as the inclinations of our staffers here--we had four trained urban and regional planning professionals on the staff--we did give a lot of time and attention to it. And I think we became a little bit of a burr under the saddle of the state



commission staff, as well as state commissioners. Dave Dubbink was, is, very intelligent. He knows it. [Laughter]

And he wouldn't let the state staff fuzz things. In discussions with other regional chief planners, where they would try to fuzz things or be less specific, our staff approach, with Dave as the hatchet man with a sharp edge, was to push for greatest specificity.

LAGE: So he supported that, the specificity.

FISCHER: That's right, yes. No, we at the region hung together pretty well, and it did become. . . . From time to time, the tension was great because, after the public hearings at the regional level on any one of these elements, each of the regional commissions would then adopt the language of, let's say it's the wetlands policy. Well, so all of a sudden here you've got six separate and different but adopted, formally adopted, kind of official, wetlands policies coming from the regional commissions . . .

LAGE: And they're going to be merged?

FISCHER: . . . that had to be merged into the state policy, and then the state commission would have a public hearing and adopt the final version.

Well, the regional chief planners would try to do the first crack at merging these documents, and they would have meetings that would go late into the night. After the first couple of times, we learned that there were a number of people in the planning staff at the state office who also were very intelligent and knew it. So there would be votes and there would be consensus, and the regional chief planners would leave the meeting knowing exactly how the language was going to come out, only to find that three



days later the state staffer in charge of that document had changed it all around to suit her or his sense of what was right.

LAGE: And to put their stamp on it.

FISCHER: That's right. Every person does need to be able to point to something that she or he has done, so that's right, they put their stamp on it. So Dave learned to be there at night when the state staffer was putting final touches on a document and it was going to go to the state commission, so that he could sound the alarm and get the regional chief planners or their respective executive directors to call Joe Bodovitz and scream and complain.

So it was a wild and wooly time, with different expectations on specificity, different general philosophies from the different regional commissions, personality conflicts, and ego involvement, and all of this heightened by virtue of the fact that we all cared about what we were doing.

LAGE: And it was sort of a first-time enterprise.

FISCHER: Right. Keep in mind that this is just after Earth Day '70, this is just after the burst of environmental activism, and the staff that we had came from all over the country. They were primarily young, with the exception of the Mel Lane-Joe Bodovitz-Jack Schoop kind of senior gurus who came in. The rest of us were really young and eager and ready to contribute our professional lives to this great new cause.

LAGE: How much were you thinking about those legislators sitting up in Sacramento who had to adopt the plan?

FISCHER: Quite a bit, and that was the question: Is the legislature going to adopt the plan, are we even going to ask the legislature to adopt





the plan? And it turned out that they weren't really asked. The plan was presented to them, and the plan was, what, an inch and a half thick. The legislators chose not to codify the planning document. But yes, people were thinking about, all right, what's going to be acceptable to the state legislature? And in our eyes at the regional level, I think we felt that state staffers in the state commission were pulling punches far too much, and trying to second-guess what the legislature was going to do, and in essence doing the legislature's job for it in advance, not really giving them tough, sharp-edged policies.

LAGE: Doing some of the compromising before it got to that point.

FISCHER: Exactly. And we weren't of a compromising mood. In our view, actually, the public hearings had taken place at the regional level, and we had had literally thousands of people hollering at us one way or another. To get draft plan policies through our regional commissions, we thought, was an exercise in compromise.

LAGE: That's true.

FISCHER: So we saw the compromise at the regional commission, compromise at the state commission, with the idea of even more compromise at the legislative level, that was a very, very good education in politics, the art of the possible.

LAGE: Did you remember any specific policy, how it might have changed? I know this is going way back, to ask you for specifics, but I'm just thinking of an illustration of all that.

FISCHER: Gosh, I can't. One of the most controversial would have been the seawall policies--in which cases would you permit seawall construction to protect houses? But the truth is, I think that was



one of the policies that stayed pretty strong and which ultimately resulted in the Nollan decision against the commission at the U.S. Supreme Court a decade or more later.<sup>1</sup>

LAGE: Well, if it comes to your mind.

FISCHER: OK, OK. I can't right now. But certainly the archival support material for this ought to include the official plan of the California Coastal Commission.

LAGE: You talk about specificity, but did the final plan relate to the specific areas down the coast?

FISCHER: It sure did. That was a battle that our regional staff fought and won.

LAGE: So you had some policies, and then you had how they would be carried out in these various instances?

FISCHER: The concept that Jack Schoop and I both agreed on was that the coastal plan should be the sort of document that you can roll up and stick in a jacket pocket. It would be portable, it would be open, it would be easy to read, it would be easy to win fans with, it would be brief and brilliant and crystal-clear. Well, [Laughter] that concept of a state plan was at odds with a very specific document . . .

LAGE: Which you also wanted.

FISCHER: Which we also wanted, that's right. My argument was that there be a very thin plan, and then a supporting document that would be the appendix to the plan. Well, we couldn't get consensus on that, so whatever the regional commissions and then the state

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1. Nollan v. California Coastal Commission, 483 U.S. 825 (1987).



commission touched and sanctified, that became part of the plan. So there was no way you could roll it up and put it in a coat pocket or a purse. It's bigger than most purses, and it would fill up most of most briefcases.

LAGE: If it never got passed by the legislature, what authority did it have, then?

FISCHER: None.

LAGE: Really none?

FISCHER: Later on, that's right. But what it did was to give an example to the cities and counties which were then expected to prepare their own local coastal plans, which in fact were much more specific than the statewide plan. The word "specificity" really took vogue when we shifted from the early commission to the permanent commission, and we were then negotiating with cities and counties over how specific each of their local coastal plans was to be. So it really blazed the trail, it opened issues and stirred debate, so that when the cities and counties ultimately came to do their plans, they weren't treading ground for the first time. So it didn't have authority, but it did give a benchmark for the regional commissions to look at permits on a consistent basis, even though it couldn't be used legally as a reason for granting or denying or conditioning permits. So it was an exercise in public involvement.

One of the things that we did at our regional commission level in the planning process was to assume that people who went to meetings were by far the minority of the public, and so we had a special newsletter for each of the plan elements, and in each of the newsletters we had a mailback questionnaire so that people



could . . . . It was an unscientific public opinion polling approach. We were very aggressive in getting on radio talk shows at the local level in Marin County and Sonoma County, and because we had the ABAG representative on our commission--I guess there was also an ABAG representative on the commission that had San Mateo-Santa Cruz Counties--so we would go give presentations to city councils around the Bay to try to put feet underneath the concept of larger than local interests. And this is one of the issues that I would point out perhaps later in this conversation that's one of the failures of the coastal act.

LAGE: The '76 coastal act?

FISCHER: Right. So the public hearing and the public involvement process was a very extensive one. Dave Dubbink and I went, I think, to every Rotary Club and Kiwanis Club and Lions Club up and down our region. We tried to say, "Here are the issues, please phone us, please write us, please come to the hearing, come to workshops."

LAGE: I would think there would be so many serendipitous effects, almost, from this kind of public involvement, things not necessarily related to the coastal plan, but people's attitude towards their government. Did you pick up any of this?

FISCHER: Yes, absolutely. A lot of times people would say to us, "Gee, this isn't the way we thought government operated." Because we were basically going out and saying, "We're your servants, tell us what you want. Here are the issues." And that actually was not an easy trick to pull, because one day we'd have to be regulators, and basically issuing stop-work orders or telling bulldozers to get off the property, being officious, being official, and telling people what





to do, which is what they fear and dislike about government. And then on the other hand, trying to be planners and facilitators and open eyes and ears, and "Gee, what do you think?", and without passing judgments until all of that had been heard, and then putting as much of it as we could into our regional plan.

We do have a regional plan document. The north central commission actually published a document that you could roll up and put in your jacket pocket, which was the regional plan for the north central region. Each of the regions didn't do that. We had foldout plans showing exactly how the policies would apply to different pieces of property. What the state commission did was to generalize those plans and stick them in the back of the book, and for those regions who didn't do plans, then the state commission would do a very generalized land-use plan as well.

I think we had a deadline. We had to submit this plan, under the terms of Proposition 20, to the state legislature on, like January 1, 1976, as I recall. And then the legislature had that legislative session in which to decide whether or not to create a permanent coastal agency.

Well, once we were done, particularly at the regional level, the workload in the San Rafael office went down and so I decided I'd play in the Sacramento pool. Much to Jack Schoop's chagrin, I'd go up and be talking to legislative staffs, and in essence--I tried to stick with the party line as much as possible, but Jack would have loved it had I just stayed home in San Rafael.

LAGE: Were you presenting ideas that he didn't endorse?



FISCHER: I don't think so, but, you know, as any lobbyist knows, which legislator you talk to first, second, or third, the nuance in which you present an idea, all of these are very important in lobbying. And so to have too many cooks in the broth is potentially bad and counter-productive. Again, I was learning, and I was saying, "Hey, listen--" [Laughter] I would never be counter-productive!

LAGE: Of course! [Laughter] Were you sticking with your regional representatives?

FISCHER: Yes, primarily so. But it was during that period that [William] Bill Press--who was Governor Jerry Brown's director of the Office of Planning and Research [OPR], and who had been the executive director of Planning and Conservation League on whose board I used to sit--Bill was recruiting me to be his chief deputy at OPR. As I saw the legislature stumble and fumble and hem and haw with the coastal legislation, saw the end of the Proposition 20 commission coming down--here I had two kids, both in grade school there in Terra Linda--I was scratching my head and saying, "Oh, my gosh, is there going to be a job for me in three or four or five [months?]"

LAGE: Because the regional commissions were supposed to go out of business eventually?

FISCHER: That was under the terms of the 1976 legislation.

LAGE: But it hadn't been passed yet.

FISCHER: That's right. But if the legislature failed to create a permanent piece of legislation establishing a permanent coastal agency, then all of us, Joe Bodovitz et cetera, would have been out of a job. Bingo, 150 . . .



LAGE: Planners, looking for work!

FISCHER: Planners, looking for work, that's right. Including yours truly.

Finally, after I had told him no, Bill was finally successful in getting me to take the job in Sacramento and move the kids to Sacramento. So I'm about to shift to OPR unless you have other questions about the regional.

LAGE: No, that's good. We talked very briefly about OPR in our interview on the Sierra Club. You had a wonderful story about being interviewed.

FISCHER: Right, by this fellow [Jacques Barzaghi] who never looked at me! [See Michael Fischer's oral history for the Sierra Club Oral History Series, tape 1, side B.]

Anyway, this was the heyday of OPR. The governor's Office of Planning and Research had been a dozen staffers maybe under [Governor Ronald] Reagan. And when [Governor George] Deukmejian came back in, I think it went down to a half a dozen staffers. [Laughter] But during the two years that I worked there, and probably the two years on each side of that, it was just a very, very dynamic, wonderful place to work.

LAGE: It seems to fit with Jerry Brown's style.

FISCHER: Yes. Well, and . . .

LAGE: Or was it Bill Press that we have to thank?

FISCHER: It was both. I think it was the synergy of both. It also turned into. . . . Oh, I guess we had about 200 staff members at one point. It became the largest collection of non-civil service employees in the state, because every other department, say the Department of Fish and Game, you'd have one political



appointment, the director, and maybe the director of the Department of Fish and Game can appoint his or her chief deputy, and maybe two deputies at the most, and everybody else is civil service, has to go up through the exam process. The governor's office was exempt from the civil service.

LAGE: The whole governor's office?

FISCHER: The whole governor's office, that's right, and OPR became by far the largest part of the governor's office. Because if Jerry had a good idea, he'd toss it in OPR. For instance, the Office of Appropriate Technology.

LAGE: I remember that.

FISCHER: That was part of OPR. The Native American Heritage Commission was part of OPR. And a number of other things that Jerry Brown and [Special Assistant to the Governor] Wilson Clark, who was part of Jerry's intellectual kitchen cabinet, would cook up from time to time. Wilson was killed in an auto accident about fifteen years ago. The state architect, Sim Van der Ryn.

LAGE: Wasn't he head of Appropriate Technology?

FISCHER: He was the state architect. Yes, he had a role in the Office of Appropriate Technology [OAT], but no, since the state architect's office didn't have non-civil service positions, titularly, OAT, so-called, was in Office of Planning and Research and reported to me. Wilson Clark and [Robert] Bob Judd were two of the directors of OAT, and there was a little steering committee of three people, including Bill Press and Sim Van der Ryn, who were kind of guiding the day-to-day operation of Office of Appropriate Technology.





But the position that I had at OPR was both chief deputy and division chief of the state Planning and Policy Unit. So in OPR, there was the state Planning and Policy Unit, OAT, Native American Heritage Commission, the Office of Research, [William] Bill Kahrl headed that up. Bill is now an editorial writer for the Sacramento Bee and a recognized expert in California water policy. And the Office of Local Government Assistance, which Peter Detwiler headed when I was there. Peter is now consultant to the state senate Local Government Committee.

And the local government unit was basically the interface between the state government and local planning offices. There used to be a HUD program, a federal Department of Housing and Urban Development program, called the 701 Planning Program, where cities and counties could get subsidies, grants, for doing local planning. And all of that money came through the Office of Local Government Assistance.

LAGE: So that was a more traditional role, it sounds like, of OPR.

FISCHER: That's right, the state land use planning office doled out those dollars and enforced the local planning and zoning laws. If the director of OPR found that a city or county was behaving inconsistently with the local planning and zoning law, then the OPR director could shut them down, issue a moratorium, put other conditions on it, even in the absence of a statewide plan. The theory of the local planning and zoning law was that there was a statewide plan on which these decisions would be made.

LAGE: Was that kind of power exercised during your time?



FISCHER: Oh, yes. We worked with Yolo County particularly, and the City of Davis, and Yuba County--mostly Central Valley--no, in San Diego as well. We also had a significant role in the pass-through of federal monies to the COGs. COG stands for Council of Government, and that was ABAG in the Bay Area and AMBAG [Association of Monterey Bay Area Governments] in the Monterey Bay Area, and SCAG [Southern California Association of Governments], excuse the acronym, from Los Angeles, and SANDAG [San Diego Association of Governments], and SRAPC, the Sacramento Regional Area Planning Commission.

LAGE: So were those federally initiated?

FISCHER: Yes, they were. The impetus for those COGs, or Councils of Government, came from an ancient--this will tell you how ancient--Bureau of the Budget--which no longer exists--Bureau of the Budget Circular A95, which said that no federal money for highways or schools, et cetera, could go to a jurisdiction unless it was consistent with a regional planning document. So these voluntary Councils of Government had to be created in order to review applications for highway or HUD [Housing and Urban Development] dollars.

LAGE: Again assuming that there was a regional planning document.

FISCHER: That's correct. And despite the fact that COGs had no teeth, and they were all populated by politicians who hate plans, because plans restrict their flexibility, and politicians love to be able to respond to the issue of the day.

[End Tape 4, Side A]

[Begin Tape 4, Side B]



FISCHER: Politicians respond to their constituencies, so if you're a politician, and you've got your finger to the wind, and you're a good politician, and all of a sudden the wind starts blowing from the north and you want to go south with that wind, and yet you've got a plan that's coming from the east telling you've got to go west, well, in order to go south like a good politician, like you want to do, you've got to get this damn plan amended to say that you can go south. And politicians hate having to do that. So COGs were set up, I think, to protect local governments against federal mandates, and to do the very minimum planning necessary in order to get the federal construction dollars.

So here we were at OPR trying to make the regional plans mean something. For the first time, the first and only time in the state of California's history, we said, "All right, by gum, we're going to get a statewide land use plan." Well, Jerry Brown hated the word "plan."

LAGE: He didn't like that?

FISCHER: Hated the word "plan."

LAGE: Even though he'd set up this whole elaborate office?

FISCHER: Hated the word "planning." So I designed the word "strategy." I said, "OK . . ."

LAGE: Oh, that's why it's the Urban Development Strategy?

FISCHER: That's right! [Laughter] Because we knew we wanted to get Jerry to approve this thing. He wasn't going to approve anything that was called a plan. "OK," I said, "let's call it an urban strategy." It was funny because across the country, within two years, there were



half a dozen urban strategies being proposed, including one in Washington, D.C.

LAGE: Isn't that something?

FISCHER: When I was there at OPR, a good friend of mine was the director of the Council of State Planning Agencies. This is the association of governors' offices of planning and research, basically, around the country. They were working with HUD on what became called Jimmy Carter's urban strategy, which had . . .

LAGE: But yours predated that?

FISCHER: Ours predated that, that's right. We finally got Jerry Brown to adopt the urban strategy, but we got HUD 701 planning monies to do an urban strategy for California. I took some of the lessons from the coastal program, and first we put together a steering committee, which had some pretty powerful people on it. Janet Gray Hayes, who was the mayor of San Jose, was one of the co-chairs of it. Dwight Steele, who lives in the East Bay, from the Sierra Club, wonderful guy. He had been active in establishing the Tahoe Regional Planning Agency. So we had a good crew. The planning director of the County of Los Angeles [Norman Murdoch], a couple of state legislators.

So we put together this quasi-state planning commission, and we also had a group of agency secretaries. Adriana Gianturco was the director of CalTrans [California Department of Transportation], and an urban planner by training. [Donald] Don Vial was at the Department of OSHA [Occupational Safety and Health Administration], of all things, Cal-OSHA. But he got labor, and Adriana got CalTrans involved. We had Arnold Sternberg, who





was director of [the Department of] Housing and Community Development. And we had, of course, the secretary of resources, and we had [Ronald] Ron Robie, Department of Water Resources, and others.

LAGE: And was the secretary for resources . . ?

FISCHER: Resources was Claire Dedrick for a while, and then Huey Johnson.

LAGE: So while you were there, you had the switch between them.

FISCHER: We had the switch, right. But those folks came together at least each month to help guide us, because our view was that no state monies, no state construction, would take place unless it was consistent with the urban development strategy, and that that would be the biggest stick that we would be able to wield, because we could do that administratively. Jerry Brown could do that by executive order. So we wanted to make sure that . . .

LAGE: So these state agencies at least would be in compliance.

FISCHER: Exactly. So we needed to buy their ownership, their support, and their commitment to it, because what the director of CalTrans said wouldn't mean anything unless she got her regional directors of CalTrans to buy into it as well.

So we put together a first draft of the urban development strategy, and printed it on a light brown cover with dark brown printing, intentionally . . .

LAGE: Now, why was this?

FISCHER: To give it a little Jerry Brown identification, even though we hadn't brought Jerry into it. Jerry was frustrating, to say the least.

LAGE: Did he know you were doing it?

FISCHER: He knew we were doing it.



LAGE: But he hadn't sat in on it.

FISCHER: No, no, and we kept saying, "We'll brief you, we'll brief you," and he kept saying, "Oh, yes, oh, yes, I want to be briefed," and then somehow it never would happen.

LAGE: Was Bill Press directly involved in it?

FISCHER: He was, though during the two years I was there, Bill was really a political operator for Jerry Brown. Jerry ran a write-in campaign for president. I would say that Bill Press was probably out of town 60 percent of the time. So I was in essence acting director of the Office of Planning and Research; I was running the shop as well as doing the urban development strategy.

LAGE: Now, that was another big jump in management.

FISCHER: It sure was.

LAGE: From a small staff . . .

FISCHER: That's right, I had a dozen at the commission to about twenty-five in the Planning and Policy Unit, to a couple hundred in the department as a whole, though I got involved in Office of Appropriate Technology issues very, very little.

LAGE: So some of those things had a life of their own.

FISCHER: That's right, that's right. But yes, that was a big jump, and I certainly noticed that there are kind of key break points in organizational size. A dozen is one, and about twenty-five is another, and then I'd say double that, fifty, is another, and then double that, 100, is another. Above 100, my experience at the coastal commission was about 225. Between 100 and 225 I didn't notice much difference. The Sierra Club had about 350 employees, and I didn't notice much difference above 100. So I'd say there's



probably a break point, maybe it's 1,000 after 100. But yes, that was kind of on-the-job learning about management challenges.

But we had this draft document of which I remain very proud [Urban Development Strategy for California, Office of Planning and Research, Review Draft, May 1977]. I thought it put together some policies on different issues, including regional governance, the role of regional governance in delivering growth management across the state. This was not a slow-growth or a no-growth plan at all, but a growth-management. We in essence, after much debate, acknowledged that the population growth of California was almost immutable. There was very little that we could do as a government in order to stop immigration, to stop population growth, particularly if we were going to be pro-economy. So we said, "All right, we're going to get the growth, now we have to plan for how to best handle the growth."

Now, the Sierra Club reps didn't like that at all. They wanted us to stop growth. California Tomorrow had several years earlier put together a California One and a California Two plan with population size being the principal dynamic between California One, which was bad, and California Two, which was good.

LAGE: And it was mainly population size, not . . . ?

FISCHER: Population, and sprawl. I remember Harold Wood of California Tomorrow had a wonderful word called a slurb, which was defined as a sloppy, sleazy, slovenly, slip-shod, semi-city. [Laughter] And that's what California was turning into, a slurb.

LAGE: Did the thinking of California Tomorrow, which had really had been quite active, did that feed into what you were doing at all?



FISCHER: Very much so. And indeed, the . . .

LAGE: But not the population control part.

FISCHER: No, that's right, not the population control part. The artist who did the drawings in the California Tomorrow plan, we hired to do the drawings to illustrate our report.

LAGE: In your brown on brown plan?

FISCHER: In our brown on brown plan.

Well, we held public hearings up and down the state, probably fifteen or twenty. We took members of our advisory committee on an exhaustive tour. I remember, gosh, Callie Carney, who was an African American city councilwoman from Sacramento, we went up to a public hearing once in Eureka and we flew a chartered light plane and went through real stormy weather, and she was just utterly terrified and solved her terror by going to sleep. But that was just one kind of little vignette going to a public hearing.

In rural California, the urban development strategy was met with great anger. Time after time, we'd hear a guy with a cowboy hat and cowboy boots say, "I moved to Redding," or Chico, or you name the town that we were having the hearing in, Riverside, [shouting] "I moved here to get away from the city, to get away from these rules and regulations, and here government is, chasing me out to the rural countryside!"

LAGE: Well, why was it called urban strategy? You must have been planning for the whole state.

FISCHER: Yes, we were. And suburbanization, the urbanization of rural California. Doesn't have to be high-rises and subdivisions.





LAGE: But you foresaw it was going to happen.

FISCHER: That's right. Well, each of those counties was ready to, instead of growing grapes or growing orchards, to grow subdivision houses or to allow their ranchers who might own 160 acres to do what it called minor subdivisions and split off three acres here and five acres there and ten acres there, and pretty soon you've got "ranchettes" which have problems of sewer and education and water control and traffic all of a sudden.

So people, particularly in. . . . I just drove through Sonora, California, which is a bucolic little Sierra foothills town. Well, there are freeway bypasses, there are shopping malls, springing up all around Sonora. Now, these kinds of places don't decide in one decision to be rural or urban. It's very much a backing into it without an intention. The people who want to go to Sonora or to Redding want to go there because it's rural, but then more and more people go, and it stops being rural pretty soon.

So even though it was called the urban development strategy, we were in fact going to do the second document called the Sierra foothill strategy, or the rural development strategy. But the edge between the two was a fuzzy one, very much an overlap.

But two interesting people then stepped into the process. They saw that this was a very political document, or that this document had political ramifications, and those two people were [A. Thomas] Tom Quinn, who at the time was the environmental secretary, principally the chair of the Air Resources Board, and Dick, oh gosh. Can't remember Dick's last name. He started out as secretary of Business and Transportation, and then he became



the chief of staff when Gray Davis stepped aside for Jerry Brown. Dick, oh. He's standing right in front of me. He was one of the founders of the Jack-in-the-Box restaurant chain from San Diego, and he's currently in jail.

LAGE: Oh, was he the fellow who ended up in jail?

FISCHER: Yes. Richard Silberman. Those two guys then took a look at the urban strategy, and even though we had built this great camaraderie within the department heads, agency secretaries, they. . . . I guess Jerry at one point, we weren't there, Tom had been fulminating about, "You've got to look out, this thing is coming down the street at you," so Jerry said, "OK Tom, you do what's necessary." And he told Bill Press and me, "You work with Tom Quinn." Oh, god. This was not . . .

LAGE: Well, did Tom bring a more environmental . . .?

FISCHER: No, not at all. Oh, not at all. Tom's antennae were political, let's avoid political controversy. So he pulled most of the teeth. The regional governance section went by the boards. The timing was unfortunate, I guess, when Jerry finally paid attention to it, because it was coming up for election time. So Tom Quinn and Dick Silberman wanted to use this as a demonstration of the governor's policies that he had already put into place, so it became a political platform more than a plan. And when we published the final document, it was blue. [Laughter] Not brown.

It was tatters of the original proposal. The sad thing is that the document that was really put together at the end was put together in Tom Quinn's living room at three in the morning, and



it wasn't subject to public involvement or public review or scrutiny. We did get Jerry to sign it.

LAGE: Did he make further changes?

FISCHER: Not many; some. Bill wangled a ride from Jerry from Tahoe for some reason, I've forgotten why Jerry went to Tahoe, but Bill Press, knowing that if you got in the car with him, at least you had a solid couple of hours all alone. So Bill got Jerry to sign it in the car, in a Highway Patrol car coming back from Tahoe. But yes, I do recall Brown making changes as our deadline approached, and now I'm forgetting why we had a deadline, but there was a deadline, printer's deadline.

LAGE: Maybe the election.

FISCHER: We would have a meeting or two with Jerry, and Jerry would say, "Well, do it this way," and that would be like three in the morning. Jerry got to work at maybe ten or eleven in the morning and then sat around eating apples for much of the day, and then finally he'd get to work around pizza time. So he'd make some changes at three in the morning, I'd go back to the office, and at six I'd call secretaries, wake them up, and get them to retype it so that I could get it back over to Jerry. He'd say, "I want it by ten." Of course, you'd go back there and at ten o'clock, he wasn't there; at noon, he wasn't there. So yes, this was part of the difficulty of working with Jerry Brown.

LAGE: Did it have some guiding principles?

FISCHER: Did the final urban development strategy have guiding principles?

LAGE: Yes.



FISCHER: Yes, it did. And that was the part that we were proudest of that remained. The specific policies under the different sections went away, but the guiding principles remained, and these were basically sprawl-avoidance, that infill construction should happen first, and that additional urban development should happen only contiguous to existing urban centers. That was the guiding principle, and that was enough for us, frankly, to be able to go to state agencies and say, "You don't put a freeway extension out beyond the current urban pattern. You put that investment in inner city infrastructure."

[Ironically, my new job at the California Coastal Conservancy is based in Oakland because Jerry Brown issued an executive order requiring that state agency locational decisions favor inner cities over suburban sprawl locations. I wrote that executive order to implement a portion of the strategy, sigh.]<sup>1</sup>

LAGE: So did it work in that respect?

FISCHER: Well, you know . . .

LAGE: Or did you leave?

FISCHER: I left, and within a month or two of my leaving, Bill Press left.

LAGE: Why did he leave?

FISCHER: He wanted to run for something. Bill wanted to run for U.S. Senator, I guess. He ran for U.S. Senate, lost, he ran for tax commissioner and lost. . . . No, there was something else.

LAGE: He ran for L.A. council or something, didn't he?

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1. Mr. Fischer added the preceding bracketed material during his review of the draft transcript.





FISCHER: No, never did. But oh, he ran an initiative campaign to tax big oil. That's what he quit to run, and that didn't make it, either.

Deni Greene replaced Bill Press [as director of OPR]. I had hired her as the chief of the local government unit; she's really terrific and is now a leading environmentalist in Australia, interestingly enough. She became the secretary of resources for an Australian state relatively soon after Jerry left office. But no, the urban development strategy had pushers in the governor's office, and that was Bill and me. We had supporters, people like Don Vial and Ron Robie and Adriana Gianturco. Huey [Johnson] was never a supporter. He was always very skeptical about plans himself, even though nowadays he's really into green plans and is pushing the Netherlands and New Zealand and Canada's green plans. But back then, he wasn't into green plans.

In any event, it just kind of went out with a whimper. The rest of the staff at OPR had seen it be gutted by the politicians inside Jerry's office, by Dick Silberman and Tom Quinn.

There was another dynamic that happened at the same time, and that was the Dow Chemical [Company] plant. Dow wanted to build a plant in Solano County. The governor's Office of Planning and Research was also the coordinator of environmental impact statements, if there was both a federal and a state requirement, and there was in this case. So a joint FEIS/EIR [federal environmental impact statement/environmental impact report] was to be prepared. So an interagency . . .

LAGE: And that put your department, or your office, in charge.

FISCHER: That's right.



LAGE: OK, tell me more about that.

FISCHER: I was the chair of an interagency committee of, gosh, twenty different staffers from federal and state agencies who reviewed the EIR/EIS. Dow had to prepare it, but we had to give them guidelines and tell them what they had to do.

LAGE: And then you had to get everyone to sign off on that?

FISCHER: That's right. And there were internal tussles and concerns over air quality, water quality, transportation of hazardous materials, the urbanization of southern Solano County, BCDC issues of access and wetland protection. It was a big, major petrochemical facility like exists down in Cancer Alley in New Orleans, so we were talking about a big polluter, no question. Dow kept saying, "We just want certainty. We want an answer. Tell us yes or no. We want an answer. And by god, we've been going after this for five years."

LAGE: And had they?

FISCHER: Old Jack Jones was the chief lobbyist for Dow, I remember him well. In a desultory fashion, they had been wooing the poor cow county of Solano County for a long time.

LAGE: Starting with the city council members and supervisors?

FISCHER: The board of supervisors, yes. And so if you counted back to when it was this sparkle in their eye and when they started wining and dining the supervisors, then probably it was five years. But by the time they got serious about it, and met the challenge of the Endangered Species Act and wetlands legislation and the CEQA [California Environmental Quality Act] and NEPA [National Environmental Policy Act], I think we gave them a very good turnaround. It was about a year and a half.



LAGE: So they prepared the statement, and you reviewed it . . .

FISCHER: That's right, and we were about to give them an answer. They were doing a drumbeat like every month: "We want an answer, we want an answer; is it good enough, is it good enough?" Bill Press and I kept saying, "Well, we'll give you an answer, and it will be six weeks." And then of course, we'd have to go back to the Fish and Game Department and everybody else and hold their feet to the fire and say, "All right, guys, you've got six weeks."

Well, a month before we were going to deliver it [in 1977], Dow says, "We give up. This is outrageous! California is bad for business, the business climate is terrible," and the Wall Street Journal and the New York Times, everybody, said, "Jerry Brown's administration is bad for business." And Dick Silberman immediately had brown buttons saying, "California Means Business," brown on brown. We were all wearing these brown on brown buttons.

Jerry's answer to this was to turn to me and say, "I need legislation that's got my fingerprints all over it that indicates that when somebody applies for a permit, we're going to deliver a response promptly." So that's when I first met, in a real way, Leo McCarthy, who was the Speaker of the Assembly. Leo carried this bill, AB 884,<sup>1</sup> something like that.

What Leo and I conceived of, and then we drafted, was a bill which would say: once a permit application is complete --now, that was a big question, who decides that, and how long of a

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1. A.B. 884, 1977-1987 Reg. Sess., Cal. Stat., ch. 1200 (1977).



negotiating process can you go through in order to decide that the application is complete--but once it's complete, then a public agency has a year to say yes or no. And if the year expires, then it's automatically issued. The permit's issued as applied for.

LAGE: So that was the principle of this streamlining legislation.

FISCHER: Right. We rejected a one-stop shop approach, which some people were trying to get, where we were saying, "OK, everybody's got to get their say in it," and the legislation passed. But I remember, gosh, this is another example of Jerry Brown at his worst, because there were deadlines attached to this legislation, and how to introduce it and when to introduce it. So I'd go hang out in Jerry's office and say, "Jerry, we've got this draft legislation, you wanted your name on it. Leo McCarthy's got his personal fingerprints on it." I'd sit for hours with Leo, and we'd go through line by line. He'd say, "What's this all about? What's this about?" And I'd say, "Umpty-ump." He'd look at me and say, "Thanks. I learned something." Or, he'd say, "Mm, no, I don't want to do it that way. Here is the problem I see with that one. Let's do it this way instead." Very capable. Very imaginative, friendly, courteous . . .

LAGE: Was he thinking of the politics of getting it through when he'd say, "This might be a problem," or was he thinking of the quality of the legislation?

FISCHER: The principles. The quality of the legislation, both. But my impression of Leo was--and is--very, very high, because of his integrity and his imagination and his leadership.

Well, Jerry wouldn't look at the draft legislation. We even had a news conference set for, let's say it was a Tuesday. Monday





night he hadn't looked at it. It was a news conference that was going to have Jerry Brown and Leo McCarthy standing up in front of the television cameras of the . . .

LAGE: Just what Jerry wanted!

FISCHER: That's right, leadership in this area. Well, he couldn't do it, for whatever reason, Monday night. So we had to get on the phone and plead an emergency, and we postponed the news conference. So Leo's going, "What's going on here, Michael, don't you have Jerry on board?"

LAGE: Here you've been negotiating.

FISCHER: That's right. So Leo said, "All right, we'll postpone it, but not beyond next Tuesday." So next Tuesday, here it was Monday night, Jerry still hadn't read the damn thing. And I kept saying, "Jerry, if you want to change something, I need some time to change things!" [Laughter] So it was printed by the state printer's office, so he sits down at midnight on Monday night--no, no, it was a half hour before the news conference! And I had been pleading with him, and Bill Press had been. . . . We'd been doing shifts on him, to beg him to pay attention to it. He spent far more time listening to our pleadings to pay attention to it than he ever spent paying attention to it.

So half an hour before the news conference, he finally sits down, flump, in the middle of his couch, looks at it, spends about five minutes, flips to page three, flips to page six, doesn't read the whole thing. He looks at it, "This piece of shit!" Throws it at the ceiling. "What are you guys doing to me! This doesn't meet what I needed!"



LAGE: What was his objection? He wanted something more of a streamline?

FISCHER: He didn't make it explicit. He just said, "This is a piece . . ." Then so he gave a temper tantrum, unfocused temper tantrum for about fifteen minutes, beat Bill and me up verbally, and then it was as if [snaps fingers], he flipped a switch. He paused, looked at us, and said, "Hey, guys, watch this in the news conference. I'm going to sell this like it was sliced bread. You'll be proud of me." He went out, he and Leo gave a terrific news conference. He spoke not at all about the substance, but he did some ballyhooing about how important business was to California; any questions on the substance he magnanimously handed it off to Leo. And Leo knew the legislation so he did it. So, as my attitude toward Leo went up, my attitude toward Jerry. . . . Jesus.

LAGE: Do you think Leo would have been a good governor?

FISCHER: Very good governor, yes. I think Jerry would have been a very good senator, and I was somewhat unhappy when Leo was running for [U.S.] Senate.

LAGE: Of course, he'd been in the legislative arena, so you'd think he could transfer his . . .

FISCHER: No, but in [communications theorist] Marshall McLuhan terms, Leo was a cool personality, and Jerry's a hot personality. Leo is a very good, thoughtful supervisor, and I think would be a very good administrator. He ran his speakership as basically an administrator. He was supporting the work of others . . .

LAGE: And a consensus-builder.



FISCHER: Yes, he would delegate authority and responsibility and deliver respect, and that developed consensus. Jerry was unable to do that. As a matter of fact, if you look at his eight years in office, break it down into four two-year pieces, you see that the quality of his appointees, the people that he surrounded himself with, significantly went down each two-year period.

But in any event, this is not the oral history of Jerry Brown, but the little vignettes like that are revealing. Jerry didn't pay attention to the urban development strategy until the last minute, and then he tossed it to his pols, and didn't really care what it said after his pols kind of pulled the important stuff out of it.

LAGE: Just to follow up on that Dow Chemical, in retrospect, do you have any second thoughts about the way your office handled it?

FISCHER: No. Dow? Dow did a number on California. I heard from a deep throat inside Dow that the western regional administrator had lost the battle for the, I've forgotten what it was, half a billion dollars at the time, I guess, of capital improvement money. The Dow board of directors had their annual meeting down in Florida, and the international manager beat the western regional manager out of a half a billion dollars.

LAGE: So there wasn't going to be a chemical plant?

FISCHER: There wasn't going to be a chemical plant at all. It was an internal cash flow decision, a capitalization decision. And then they wanted to make the most political hay out of it possible, so after Dow decided they weren't . . .

LAGE: And it really had an impact!



FISCHER: Oh, it did, indeed! Dow decided they weren't going to build it in California for other reasons, and then they just whipped Jerry Brown to death with it.

The other thing that we did at OPR following the Dow, and this was also a very interesting lesson, we went to ABAG and got a special HUD 701 grant, said, "Look, we're hearing from these developers that they want certainty, particularly industrial developers. We want to deliver certainty, and so let's take the ABAG plan, let's hold some hearings, and let's kind of do a master EIR approach. Let's identify industrial lands in three categories. One is green light, the master . . ."

[End Tape 4, Side B]

[Begin Tape 5, Side A]

FISCHER: We tried to say to ABAG, "Categorize your industrial areas in three areas. One would be green light, and if a shoe manufacturer wants to site a new factory in the Bay Area, all it needs to do is look at this map of green areas and they're guaranteed they'll get a permit in short order." Then there would be orange, and then there would be yellow and orange, or something like that, with different levels of uncertainty, and maybe some additional detail to be done in the EIR in a wetland area, or something like that. And then there would be uncategorical urban areas, where a developer would take his chances. Finally, there would be red areas, off-limits to industry.

Well, that was a failure, even though again Angelo Siracusa (of the Bay Area Council) was involved in this one. We put





FISCHER: together a special advisory committee, and gosh, I spent an awful lot of time driving between Sacramento and the Bay Area on this one as well. What we learned in that process was that the development community really is composed of two halves, whose interests are 170 degrees out from each other. One half of the development community is the landowner or the realtor community, realtors representing the landowners. They don't want certainty. I mean, the basic rule of wealth through real estate is buy cheap and sell dear, so you want to buy something that's cheap that nobody knows what it's good for, and then you want to get it rezoned or packaged in some way so that then it's good only for this highest and best, quote unquote, use, and sell it at a big markup.

Well, if it's certain what it's going to be used for, then the buying price and the selling price aren't going to be very different. And you're not going to make your profit out of the gap.

Most important, if you're an industrial property owner now, it's no wonder you have limited enthusiasm for a planning process which might paint your neighbor's land green and your land red!

Developers, on the other hand, like a home builder or a factory builder or a Dow, they want certainty, because they've got their venture capital sitting out. Once they decide, "We're going to locate a factory in Walnut Creek, we want to get our decision from Walnut Creek right away." Well, but the factory owners, or the shoe factory builders, the home builders, are never there during the planning process. The landowner and the realtor community are



there in the planning process, so that their intention is to keep plans as fuzzy and as general and as nonspecific as possible.

LAGE: That's an interesting observation.

FISCHER: And I have tried this on a number of people, like the Urban Land Institute, which is largely a developer organization, and people say, "You know, Michael, you're right! We never thought of it that way." Because the people who need specificity and certainty simply are not there pressing the . . .

LAGE: They're there after the plan has been made.

FISCHER: Long after, that's right. And so the ABAG exercise was a failure as well, but it was driven by Dow's statement that, "By god, we need certainty." Anyway, an interesting little vignette.

I was not ready to leave OPR when I left. I had been there only two years. Personally, I think I mentioned the workaholism that I fell into. Most of the people in the governor's office expected themselves to work eighty to a hundred hours a week, so it would have been, in retrospect for my family's health, better for me not to have ever gone there, but it was sure a lot of fun while I was there.

LAGE: So you were enjoying this time of frustration?

FISCHER: I was enjoying it, and then here Joe Bodovitz decides to retire at the state coastal commission. I remember walking down the street in front of the state capitol and meeting [Joseph] Joe Petrillo, who had been one of the original authors of the coastal act of '76.<sup>1</sup> Joe had worked for Senator Jerry Smith and, in 1978, became the

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1. California Coastal Act of 1976. S.B. 1277, 1975-1976 Reg. Sess., Cal. Stat., ch. 1330 (1976).



executive officer of the Coastal Conservancy, the job I now have. Jerry was the principal author of the coastal act of '76, and maybe this is the time to mention that.

Jerry Brown is good news-bad news sort of thing; it was Jerry Brown's last minute lobbying that got the coastal act of '76 passed in the last hour in the last of the legislative session with one vote to spare in the state senate.

LAGE: One vote, that's incredible.

FISCHER: Yes. And the next day, he and Bill Press were down at the Holiday Inn in Monterey, which is a high-rise slab of a cement thing built right on the beach, exactly contrary to all of the policies of the coastal act. Jerry's sitting out there on the porch with his feet up on the railing next to Bill, and saying, "This is what we fought for yesterday!" And Bill looks at him, "Jerry, no it isn't! It isn't!" [Laughter] Basic failure to grasp the concept, right.

Anyway, so Jerry threw his lobbying skills into the battle and got the coastal act of '76 through.

LAGE: Did you have anything to do with that?

FISCHER: I did, in a couple of ways, both lobbying legislators in the committees and then when the bill was passed, working very, very closely with Jerry Brown's appointment secretary, Carlotta Mellon. What a wonderful public servant Carlotta was! Jerry Brown said that he wanted, to use Bill Clinton's words, wanted his government to look like America. Well, Carlotta delivered that for him. I worked with Carlotta because, interestingly enough. . . . The coastal commissioners, the regional commissioners and the state commissioners, were appointed by the speaker, the governor, and



the senate Rules Committee. Jim Mills was the president of the senate, president pro tem of the senate, and Leo McCarthy, of course, was speaker of the assembly. So those three appointment secretaries got together and said, "Look, we're going to appoint a good, strong state commission and regional commissions."

So, instead of doing it with blinders on, the three, with Carlotta's leadership, built a strong, balanced commission, and I was one of the interviewers for Carlotta, to help interview good commissioners. But yes, I was a part of it, and I was known as part of the coastal family, over in the capital.

Anyway, so after the passage of the coastal act, Joe Petrillo was on one side of the street, and I was on the other side walking to lunch or something like that. It was a hot day. Joe said, [shouting] "Hey, did you hear that Bodovitz resigned!" I said, "No, didn't hear that!" He said, "Are you interested in the job?" I said, "Oh, hell no, I'm doing this urban strategy thing."

Well, a month or so later, two of the state commissioners, Judy Rosener and Naomi Schwartz, came up to visit me at OPR. The two of them said, "Michael, we really want you to be a candidate for this position." So I did, and was hired.

LAGE: Well, that's gratifying to be recruited in that way.

FISCHER: Yes, it was. And the other thing that influenced my decision was, it didn't take me two years to learn that Sacramento is not the Bay Area. As I said a number of times, there's not much wrong with that little town that a couple of hills and a good body of water wouldn't fix. Being two hours from the Sierra and two hours from the City and two hours from the ocean isn't being any of those





places, and I saw that there were relatively few trains that were going to lead my professional career back from Sacramento to the Bay Area.

LAGE: I bet for a lot of people it's a one-way trip.

FISCHER: That's right, it is a one-way trip. So when I heard the conductor whistling, "All aboard," I said, "Well, it's not the right time, but I don't know that there's ever going to be another train." So I hopped on board. And I am delighted that I did; that was a very good personal and career move to me.

LAGE: What were you sad to leave at OPR?

FISCHER: I was sad to leave the family. It was OPR's heyday, we knew it was our heyday, and we were having an enormous party doing it. Here I've just mentioned the Dow thing, the urban development strategy, and the ABAG plan . . .

LAGE: Things that planners dream of doing, but don't get a chance.

FISCHER: Yes, that's right. In essence, I was the chief state planner, Bill Press not being a professional planner. And I had come up the ranks being a planner. And remember, when I was a real young pup, the head of OPR was somebody who is seen with great respect, oh. Because every city planning department had to deal with OPR for one reason or another, either to send in the latest revision of their general plan, or to get their 701 funding. So the names of Bill Press and Michael Fischer were household names in the planning offices of every city around the state. So hey, that's heady stuff for a person who, up until that time anyway, was a professional planner.



I think leaving OPR was probably the point at which I stopped being a professional planner. I'm not now.

LAGE: Would you go back to it?

FISCHER: No, I wouldn't. I tried going back to it right after I left the coastal commission, before I went to Sierra Club, I was a planning consultant for Sedway Cooke Associates, and I hated it, just hated it. Maybe it was because I was a consultant rather than a public official, I don't know. I couldn't be a real advocate but instead was a servant serving clients who were going to make the decisions. But in any event, would I go back to being a planner again? No, I think not. I think I've used up that string.

But I hated leaving it because of the excitement. I mean, there was a bit of sickness . . .

LAGE: Was the Brown administration exciting aside from all your frustrations?

FISCHER: Yes, it was. Well, you pick up the phone, you want to go to a restaurant and you pick up the phone, you say, "This is Michael Fischer from the governor's office, and four of us will be there." "Oh, yes sir!"

LAGE: [Laughter] Well, there's a lot of that in Sacramento, I think.

FISCHER: Yes. And in D.C. People who are in the White House or in a governor's office believe to the core of their being that they're at the center of the universe, and that this is where everything that matters is going to go through here. And we would have people like [authors] Wendell Berry and Isaac Asimov and others come through. They'd love to have an audience with Jerry Brown. So Jerry would invite his senior staff, and I would invite some of the



OPR staff, and we'd sit down for an afternoon of poetry reading by Wendell Berry.

LAGE: Well, it was a different kind of governor's office.

FISCHER: Oh, yes, that's right. [Laughter] And we loved to make it a different kind of an office. So that kind of excitement really did bite me, and indeed, when Bill Press left a month or two after I did, I then went to the chairman of the coastal commission and I said, "Look, those are my people, that's my office. They need somebody, and what say I go back and just for an interim, I'll work at OPR as the acting director for six months, and half to two-thirds time here at the coastal commission?" And he was wise enough to say, "Michael, no."

LAGE: Then you would have been working 150 percent time.

FISCHER: That's right. Anyway, [commission chairman] Brad Lundborg kind of looked askance at me and said, "Get real, kid." [Laughter] You know. "You work for us, not him anymore." So that's OPR. We've probably now spent more time on OPR than . . .

LAGE: Well, I think that was really important, and I am glad to get more on the Dow Chemical controversy as well.

FISCHER: It was a real moment for planning in the state, and we thought maybe [Governor] Pete Wilson would resurrect OPR and make it something again, but he hasn't.

LAGE: Times are different. Are you ready to launch into the coastal commission now?

FISCHER: Yes.



LAGE: Maybe we can start with what the coastal act of 1976 provided and what were you confronted with when you came to San Francisco as executive director after Joe Bodovitz.

FISCHER: OK. The coastal commission when I started there was continuing its schizoid ambivalence between planning and permit granting, between being a regulator and a facilitator or a partner with local government. The coastal act of '76, as we mentioned, did not adopt the coastal plan, and indeed the boundaries of the coastal zone. . . . Under the initiative, there was a 1,000-yard permit strip, and then a much larger planning area, coastal zone. And in the coastal act, this 1,000-yard permit strip went away and coastal permits were required in the entire coastal zone.

So now, how do you define the coastal zone? Well, the legislators in the senate chamber, not in the assembly, pinned up maps of the coastal zone along the walls, and the senator from each of the areas took a magic marker and drew her or his coastal line, with me or other lobbyists, Jack Schoop, Joe Petrillo, whispering in their ears or saying, "No, no, no, that's too short," or "No, that's too far inland."

LAGE: Is this in the negotiating conferences?

FISCHER: Yes. In some cases, this happened in their offices, in some cases it happened in committee sessions, in a few cases, it happened right there in the full senate chambers. So somewhere in the basement of the California state capitol is a tattered set of rolled-up maps with scribbled-on magic markers that is where the coastal zone boundary came from.

LAGE: Now, what range did they work with there?





FISCHER: Well, say it's in Los Angeles, urban Los Angeles might go inland about a mile--it went in too far in Los Angeles, as a matter of fact. In San Francisco, it went in about a block and a half from Great Highway. But in areas like Big Sur, it went in and took the whole of the Big Sur Mountains, took the whole of the Santa Monica Mountains. [Anthony] Tony Beilenson was then the state senator from Santa Monica Mountain area, and so he was a real good green guy . . .

LAGE: I'm surprised Los Angeles wanted to get wrapped up in the whole coastal zone.

FISCHER: Well, I don't know why, I'm trying to remember why that happened, but it was far too deep. We found ourselves regulating the access driveways to a McDonald's proposed hamburger joint, whether the access would be from the main street or from a residential side street. You know, a mile in from the coastal zone, there were just no coastal issues.

LAGE: Nothing to do with the coast.

FISCHER: No, but we . . .

LAGE: Couldn't you just dismiss it out of hand?

FISCHER: No, because, interestingly enough, the Los Angelinos are in essence disenfranchised. If you live in Malibu and you're not in the city but you're in the county, well, you're an hour from the county office building downtown. There's only one supervisor representing the coastal district of which Malibu was a tiny part. There were five supervisors representing the whole of Los Angeles County; each representing more people than five state assemblymembers or several state senators. So you simply had no access to the



governmental process. And a supervisor representing half of Los Angeles had far less time to spend talking with their constituents than the California Coastal Commission who twice a month met, once in San Francisco and once in Los Angeles. So once a month for three days at a crack, once a month if you lived in Malibu or West L.A., you know where your government is. It's right there, at the Marina Airport Inn, and you have much more access.

So hundreds of people would show up for a hearing on a McDonald's hamburger plant a mile in from the coast, if they thought it was going to affect their neighborhood, the quality of life in their neighborhood.

LAGE: It was sort of the failure of other forms of government.

FISCHER: That's right. But the coastal commissioners rationalized it, as did I, by saying, "Look, the quality of life in the urban fabric of the coastal zone is something that we're willing to adopt, and we'll use this as an example, a hortatory example, for the kind of quality-of-life decisions that the local government ought to be making inland as well."

LAGE: Now, what was this local coastal plan aspect, and how did it get into the legislation?

FISCHER: OK. One of the models that we were following was the Oregon Land Conservation and Development Commission, where not just in the coastal zone but in the entire state the state had some overall policies, and then each city and county was to prepare their own local plan that was consistent with those policies, and the most important of the policies was anti-sprawl, to protect prime agricultural land. The local governments then had to submit those



local plans to so-called LCDC, the Land Conservation and Development Commission in Oregon, and if they weren't consistent with the state policies, then they wouldn't be approved. They'd have to go back and redo them.

Well, unlike in Oregon, where the culture there was, "City of Portland, you want to do a local plan? Wonderful, terrific! We'll work with you, we'll help you get it done so that it's consistent with the state plan." But "City of Salem, you don't want to do a local plan? Hey, that's understandable, we'll be here, we'll grant or deny the permits." Permits of a certain size would have to go to the state agency. "We'll be here, and you don't want to bite those political bullets? OK, we can fully understand that. You never have to do it." So there was never any onus in Oregon on a community doing it or not. There was never any expectation that the commission would go out of existence or not.

But in California, that expectation was built up, I think in two ways. First of all, the initiative had a drop-dead clause. The first citizens' initiative says, "You go out of existence, California Coastal Zone Conservation Commission." That five-letter agency existed only from '73 to '76. And it in essence died by its own terms. And the legislature then created another one, the California Coastal Commission. Subliminally, many folks thought, "Well, the first one died, so the second one must be intended to die as well. And OK, the legislature said, 'Locals, you prepare your local coastal plans [LCPs], and here's the deadline.'"

LAGE: And it wasn't that many years.



FISCHER: No, it wasn't. It was like three or four years at first, for four or five years running. We got the deadline extended year by year by year. And it was we, the commission, who came in to get the deadline extended. Why we did that in retrospect, I don't know, because it wasn't our responsibility to do the local plans, it was theirs. But the "failure" to prepare the LCPs became seen as a failure of the coastal commission: "Aha, coastal commission, we know that the legislation says once all the LCPs are done, then you go out of existence, right?" Well, the legislation said no such thing.

LAGE: Did it say the regional commissions went out then?

FISCHER: It did. It said the regional commissions go out of existence, I think it was like a year after the local coastal plans were to have been done.

Well, for whatever silly reason, the legislators thought that we, the coastal commission, were coming in to extend the deadline for the LCPs in order to keep the regional commissions in office. In a meeting with one of the legislators I said, "Want the regional commissions to go out? That's cool with me." I mean, those are poor citizens who are having to. . . . They're getting paid 100 bucks a meeting or something like that, but they've got to kick their lives in the head in order to sit at these regional commission hearings.

LAGE: Take all the heat.

FISCHER: Yes. So while there were maybe half of the regional commissioners who really, really wanted to stay as regional commissioners, I think the other half said, "Goodbye." It certainly





made it a much easier entity to manage when the regional commissions were gone. Then I was able to hire regional executive directors, of which I then changed the title to district director, or regional director, something like that, and they reported to me.

LAGE: Not to several sets of regional commissioners.

FISCHER: That's right.

LAGE: So that was one of the setups, that you didn't really oversee the regional executive directors?

FISCHER: Right. No, I instead had to play a game of political diplomacy, establishing relationships with each of those regional executive directors so that they would do enough of what I say and not too much backstabbing. But with the regional commissions out of existence, it saved the state money, it made it a more streamlined, more consistent, more integrated agency. And in retrospect, probably I would have put the regional commissions out of existence a little bit earlier.

LAGE: So did they end up going out of . . .?

FISCHER: They did.

LAGE: Before the local coastal plans were done?

FISCHER: I think to this day, sixteen, seventeen years later, since the coastal act of '76, I think to this day probably 60 percent of the local plans are done. Some will never be done. This does point to, I think, the largest philosophical flaw in the coastal act is the citizens of California knew in passing Prop. 20 that there was a larger than local interest in the coastal zone than was being represented or protected by the Half Moon Bays or the Pismo Beaches or the Sand Cities of the state, and that those communities simply had blinders



FISCHER: on and were clueless as to what it meant when they approved filling of a wetland or bulldozing of a dune, or putting highrises along the waterfront in Monterey.

So the concept of then turning this back to local government, and in essence expecting, forcing, a city councilman who's elected only by a local constituency, to expect her or him to know about larger than local issues is one thing. But to put their political career on the line and vote against what the Half Moon Bay local electorate wanted, which is to grow, grow, grow, put in those highrises. "How do you think we're gonna get our profit? We've been watching [Bay Area developer] Henry Dolger up there in San Francisco and Daly City take those farmlands and turn them into subdivisions, by gum, we're gonna do the same thing. That's the way we're gonna get rich," right? "I've slaved my whole life away in this flower field here in Half Moon Bay."

So the Half Moon Bay electorate knew that they wanted to develop; they knew they wanted a freeway over from San Mateo; and they knew they wanted a freeway down from Pacifica. That's what they wanted. And a city councilmember for Half Moon Bay who stood in the way of that was a single-term city councilmember.

So here the coastal plan said, "No freeway on State 92, no freeway on Highway 1, and the urban limit line is smaller than the city limits line, and prime ag [agricultural] lands that lay within the city limits of Half Moon Bay are going to be protected as prime ag lands, guys, get it straight."



LAGE: Now, why did the plan say that? I thought they developed their own plan.

FISCHER: Well, it was very much a negotiating position, because while the legislation did not adopt the coastal plan, the legislation did set out policies, such as Highway 1 will be a narrow, winding highway; such as prime agricultural lands will be protected; such as wetlands will be protected, such as the maximum . . .

LAGE: So it took your basic policies that you had worked out in the plan.

FISCHER: That's right. And each LCP had to be consistent with those policies.

LAGE: OK. And then did you as the coastal commission have to approve the LCP?

FISCHER: Right, oh yes. So we would negotiate with the local planning staffs as to what would be acceptable and what not acceptable, and then the city councils would hold their public hearings, and then they would send it up to the regional commission and then the state commission to certify the local coastal plan as being consistent with the coastal act policies. And in many cases, that was an iterative process. The commission would say, "No, City of Eureka, that doesn't make it."

Well, that was really tough for a city council in Eureka to have gone through the very miserable public hearing process, with stuff on the front page of the newspaper, finally to adopt a plan after all sorts of compromises and give-and-take, and have them sent it to San Francisco, and then the public hearing on the Eureka LCP might well be done in San Diego, and then the reporter would get a phone call from San Diego saying, "The state commission just



denied the certification of the local plan." And so that would be front page news, and the city councilmen would have to go back and explain . . .

LAGE: Would this be after the regional commission had approved it?

FISCHER: Could be. Or, after the regional commission had gone out of existence, then it would go straight from the City of Eureka to the state commission.

LAGE: So there's a lot of politics there.

FISCHER: A lot of politics, and you take your best shot, then you really believe in something and you send it up to some other public agency, and the public agency says, "No, got it wrong. Nyeah." [Laughter] Psychologically, that's a bitter pill to swallow. California's local home-rule philosophy is so ingrained in a way that it is not ingrained in many of the Eastern states, like South Carolina, for instance, where the concept of home rule is fifteen years old, something like that, and the state senator from the district used to in essence be the manager, the mayor, of each local area. So the idea of local elected officials running their community is very, very different than it is in California, where if you're the mayor of Milpitas, by god, you're the mayor of Milpitas, and what that mayor and city councilman says goes in Milpitas is what goes, and San Jose, you butt out, Fremont, you butt out, and regional concerns about low and moderate income housing, you telling us in Milpitas we got to take some of those? Aah, heck with you.

So the concept of local home rule is so strong here in California that when the League of California Cities would see their brother and sister city councilmembers being told, "No," by some





state bureaucratic agency, well they fell in line behind them, said, "Well, that's got to be bad. You're doing stuff . . ."

LAGE: And they're a pretty powerful lobby.

FISCHER: Very powerful lobby, because most state legislators have served in a local government, and so they identify with local elected officials. So yes, they are a very powerful lobby. That stress, that tension, between the local elected officials and the state agency which was trying to understand local interest. . . . We also had a very keen interest in maximizing the diversity of communities along the coast. We didn't want to homogenize the coast, we wanted to see different standards of architecture, different feels of places. So that, we thought, was well served by having each city design its own LCP. But the protection of the larger than local interests were lost at the expense of that.

LAGE: Lost except when it came to your statewide commission.

FISCHER: Oh, that's right.

LAGE: Or the regional commission.

FISCHER: Well, but then along comes the concept of client capture. The old political science rule of thumb that regulatory agencies become captured by the industries that they regulate within seven years. I used to say, "Well, I take pride in the fact that it took twelve years."

LAGE: [Laughter]

FISCHER: It didn't happen within seven. But it happened. The industry that the coastal commission regulates for offshore oil really was the oil industry. In a very few cases like Irvine or Sea Ranch, we were regulating the developers. But most of the time, and particularly



through the LCP process, the industry that the coastal commission was regulating was local government.

The very good, sound psychological reason for this rule of thumb [that regulatory agencies become captured by the industries they regulate]. . .

[End Tape 5, Side A]

[Begin Tape 5, Side B]

FISCHER: . . . is that those with self-interest in the regulation are always there, always there. It is in their interest to be there. And particularly during, say, the negotiations on the Los Angeles County segments of the LCP. Well, Norman Murdoch, who was the planning director for L.A. County, he'd take commissioners out to dinner, he'd be there with them all the time, and so you'd get to know Norm. You'd get to know it when his wife is sick; you'd get to know it when his kid graduated from high school.

And when you get to know a person like that, well, when Norm stands up and says, "This is the way I've got to have it," that ineluctably is different than when some crazy property owner that you've never seen before, has never been to the commission, rants and raves about the lights in the McDonald's sign and this LCP in his neighborhood, and that the LCP doesn't do anything to address that key urban design, and the guy's impolite and abrasive and you know you'll never see him again. Well, that sort of stuff washes off. Or if a bunch of crazy surfers come and act up in front of you, even though they're arguing for surfing ground, if good ole Norm stands up and says, "Well, we have to have this groin or this



breakwater or this jetty out here for the following good planning reasons" . . .

LAGE: And he's so reasonable.

FISCHER: That's right. So the regulated community just does have more, does carry more weight. That together with the fact that the composition of the coastal commission, when Carlotta Mellon left the scene, devolved and . . .

LAGE: And was this after Jerry was no longer governor, or during his time?

FISCHER: No, after Jerry left. And when Leo McCarthy left the speaker's office. And when Jim Mills left the senate president pro tem. And Michael Wornum, bless his heart, even though he's a greenie, really cut his eyeteeth on that kind of local politics. He loved that kind of wheeling and dealing. That was what made him tick. It was what made him smile. And he was a bad guy for it. I mean, there were the days when the developers, not so much the local officials, but sometimes the local officials . . .

There's one city councilman from Rancho Palos Verdes, Bob Ryan. Bob would somehow find ladies of the evening, and the provision of such favors would clearly have come from one of the developers, and Bob would show up with these giggling girls at a drink-fest after the close of a commission meeting, and we'd see Michael and Bob going out with two gals just like two little boys. And that sort of mother's milk of politics, to use a Jesse Unruh phrase, money being the mother's milk, or these sorts of . . .

[Years later, when Bob Ryan (an engineer at Northrop, as I recall) was no longer a commissioner, he and Michael wrapped



their car around a tree returning from Mendocino with two "bimbos;" turns out Bob had shifted to lobbying the commission on behalf of a Mendocino developer.]<sup>1</sup>

LAGE: Perks, we could call them.

FISCHER: Perks, yes. Childish behavior, basically. That started to influence the commission in a way that never did when Mel Lane was the chair. There was credibility, stability, with the people that Carlotta Mellon put on the commission. I think we talked last time about the mix of men and women on the commission.

LAGE: We actually didn't record that conversation. I'd like you to go into that here.

FISCHER: Let me finish that point; I'll just simply say that logrolling and backscratching and dealmaking became, if not dominant, it became a real thread of decisionmaking.

LAGE: But when you first came to the commission . . .

FISCHER: That was not there at all.

LAGE: So this was over the period of time.

FISCHER: It was a result of a couple of things. One was people of credibility, some of whom were appointed by Ronald Reagan. Reagan campaigned against Proposition 20, but when it passed, Reagan said, "It's part of government, I'll make it good," and he put Mel Lane in as chair.

LAGE: He didn't try to undermine it, then; he put someone in who really could handle it?

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1. Mr. Fischer added the preceding bracketed material during his review of the draft transcript.





FISCHER: That's right. He said, "OK, that's the law, all right, who do we know who's gonna be good at carrying out that kind of law?"

LAGE: I wonder who helped him with that.

FISCHER: I don't have any idea. That would be a good little piece of research to do. But you're right, it's likely that he would have had somebody help him do it. And that would be a good question to ask Mel Lane. Another early member--this person was appointed by the assembly speaker, I think-- was Senator Fred Farr from Monterey, another solid, ethical person, with impeccable integrity.

So those initial kind of greybeards left the commission, and then with Carlotta's departure, the unified way of looking at the commission went away. Then I'm not exactly sure how this transpired . . .

LAGE: Well, you lost Leo McCarthy [as speaker of the assembly], too.

FISCHER: Yes, Leo McCarthy, who was quite good. Yes, lost him, and got Willie.

But the more innocent-seeming but nevertheless I think more central thing here was the fact that just after I left, I think nine of the twelve commissioners were either sitting or former local elected officials. So the way you behave when you're a city councilmember is the way they wanted to behave when they were commissioners. Well, the coastal commission is a quasi-judicial body when it's in its regulatory mode. It's not a city council, and a city council is not quasi-judicial. You're kind of taking a law and matching a permit application or a planning document up against the law, like a judge would do. In quasi-judicial bodies, ex parte communications are verboten. Every party must hear what is said



FISCHER: to the judge. When a judge is in chambers, the lawyers don't go take the judge out to dinner.

And this was a concept that it proved impossible to grasp for the Michael Wornums of the world, even the good-guy environmental local elected officials. They, as I say, cut their eyeteeth on walking a piece of ground with the developer, or talking to campaign contributors, and giving special access to campaign contributors. Development proposals and campaign contributions go hand in hand at the local level. The local elected officials at the coastal commission made them go hand in hand at the commission. That's why Mark Nathanson's now in jail, and that's why some real bloom is off the rose of the commission's integrity and sense of quality governance.

Now, the point that I was going to make is, when women were on the commission, that didn't happen. I mean, when women were on the commission, Carlotta had a large part to play. For one cycle of the commission's existence, five of the twelve members were women. But I think you could say that this was true when two members were women.

LAGE: How big a commission?

FISCHER: Twelve. At one point, there was one woman on the commission, but she was Grace McCarthy, the mayor of Half Moon Bay, and Grace was of an age and from a community so that she was a good old boy. So her presence on the commission didn't have that much of an impact. But the measurable indicators, or the measurable differences, were the amount of preparation that a commissioner would bring. I'm talking not just of the women, but



FISCHER: of all of the commissioners, when the women were on the commission, the average commissioner had read the staff recommendations, was prepared to ask questions. Without the women on the commission, hey, why read the staff recommendation? We'll sit around and talk after dinner, or we'll listen to the hearing and whatever, "How do I vote, Tom? It's in your neighborhood. Why read the staff recommendations?"

The level of just basic politeness and decorum, telling jokes to each other or simply leaving the room, when the women weren't on the commission, I regularly had to have part of my mind be a little mental computer because seven out of the twelve commissioners had to be there, and the commissioners didn't give a darn. If they wanted to go take a walk or go to the bathroom or something like that, I'd have to grab the microphone and say, "Mr. Chairman, you just lost your quorum," and so everything would have to stop. And someone would have to go find the little boys who were out in the hallway and get them back in, telling their jokes or phoning their whatever, and get them back in. There's a whole room full of people watching the commissioners not really pay attention, and losing respect for the process.

Another difference would be following the law itself, and the importance given to the statute, as opposed to, "Gee, can we get seven votes for whatever? Because we think it's right?" With me sitting at the staff table, "Wait a minute, the law says, and here's what our precedents have done." I'd have to do that much more assertively when it was all male than when it was a mix of men and women members. So the quality of the decisionmaking, the



quality of the interpersonal relationships, the quality of the relationship between the commission as an entity and the public were affected.

LAGE: Sounds like the seriousness they accorded their position was different.

FISCHER: Because Mother was there. [Laughter] I guess. Here I am being a pop psychie, but when there was a person of the feminine persuasion in the room, she wasn't gonna let them be immature children. But if it's a bunch of us guys there, hey, we can behave immaturely, so if Fischer's getting hot under the collar, well, we can certainly see that. "All right, Mike, sorry, I'll buy you a drink tonight." That sort of good old boy behavior.

And the fact that the media was there didn't make any difference at all. There was one point, I think it was just after I left, thank heavens not just before, when Bernard Teitelbaum, who has now passed away. . . . Bernard was one of the principal lobbyists who dealt with land use issues. From time to time, he would represent developers before the commission. Bernard never testified at a public hearing, never.

LAGE: Just behind the scenes?

FISCHER: Behind the scenes. If you would call behind the scenes being up in front of the lectern and below the dais with the commissioners up there, with his. . . . Now, this was an early model, so it was one of those transportable cellular phones, and imagine you're a commissioner sitting behind the table and here's Bernard in front of the table saying, as everybody could hear, the person's still testifying at the witness stand, saying, "It's Willie Brown on the





phone for you, commissioner." And you'd see that everybody is watching this guy's face as Willie Brown would be telling him to vote for Bernard's project. Or he'd be toast the next morning.

LAGE: And this was after you left, this actually happened?

FISCHER: Actually happened.

LAGE: Did it get reported by the media?

FISCHER: It did.

LAGE: That does make the public lose respect.

FISCHER: Yes. I mean, talk about a scummy sort of process. Anyway.

LAGE: I'm trying to pin down the women thing: it sounded as if there were more women during the time when you were having appointments by Leo McCarthy, under Mel Lane's chairmanship.

FISCHER: That's right.

LAGE: But did some of it have to do with the quality of person appointed, not just that they were women?

FISCHER: Yes, I think so. But there was a time when the same people of the male persuasion were there before and after, and they behaved differently.

LAGE: So we have a controlled study.

FISCHER: Right. And it really was people like Michael Wornum, who would behave far differently. Yes, I think there's an acculturation of a mixed body that makes the whole a better institution. But you're also right that there was the dynamic of better people being appointed in the earlier years, and whenever you get around to doing the oral history of, say, Naomi Schwartz, who I think would be a very interesting person, you can ask her about that. She's now supervisor in Santa Barbara County, and worked for state



Senator Gary Hart, and was a citizen activist early in the coastal commission's time, and was a chairman of the State Coastal Commission for a bit.

I remember I was giving a speech last November at the twentieth anniversary [of the coastal commission], and I did it a little bit better than I did for this interview, about the measurable differences between the commission with women and without. Judy Rosener, who is also a commissioner and a . . .

LAGE: Still a commissioner?

FISCHER: No, she isn't still, but she is a professor of political science at UC Irvine. And she said, "Michael, you're right." She was doing some sort of book, and she said, "I'm going to include that in this book." So if you're interested in the role of women in governance, Judy Rosener and Naomi Schwartz would be good interviewees. And here it is, almost five o'clock, and you're coming to the end of that tape.

LAGE: Yes. I think it's a good time to end for today. Well, there's a lot we haven't covered.

FISCHER: We haven't gotten to offshore oil drilling.

LAGE: No. And relations of the federal government and law . . .

FISCHER: I guess maybe one thing to do a transition on is to look at the staff of the state commission. I give extraordinarily high marks to Peter Douglas, who was chief deputy when I was there, and who took over as executive director when I left. Peter basically, in a very conscious, self-effacing way, said, "Look, I'm going to take this precious flower of the coastal commission and I'm going to carry it through this Deukmejian dark period, and it's going to be like a



desert crossing. It's going to be a terrible time for us, but when we're through on the other side of the desert, we'll still have this commission with its law intact to be able to blossom again."

Good concept, and we thought that it was going to work when Pete Wilson came in at first, but then it hasn't been so good since. Pete went and reappointed three of the Deukmejian guys, and for one of the people, put in an even worse person. So [Laughter] . . .

LAGE: And you didn't expect that of him, it sounded like.

FISCHER: Didn't expect that of him at all, no. No, his first thing was to come in and reinstate the funds for the Eureka office, which Deukmejian had shut. We haven't talked about the cut in staff under Deukmejian.

LAGE: No, the budget and staff . . .

FISCHER: When Deukmejian came in, he instantly appointed four new commissioners, and each of the four knew that they wanted to fire me. For about a year and a half, they were able to count up to six votes to fire me, so it was one . . .

LAGE: So Deukmejian came in with an agenda?

FISCHER: Oh, yes. When Deukmejian was running against [mayor of Los Angeles and candidate for governor in 1982 Thomas] Tom Bradley, one of the planks of his platform was to abolish the coastal commission. I had behaved in a somewhat uncharacteristic way for a state bureaucrat. I became active, and visibly active, in the Bradley campaign, giving speeches on the platform with Tom, saying, "This year, vote as though the future of the coast were at stake, because it is."



LAGE: And that's OK for a . . . ?

FISCHER: No, it's not OK! [Laughter]

LAGE: [Laughter] I mean, it's legal?

FISCHER: Oh, yes, it's legal, that's right, it's legal. I was a political appointee, non-civil service. But I did not serve at the pleasure of the governor. In any other state in the nation, two nanoseconds after such an election, and I would have been out of office. But the status of the independent commission in California, which is unique in the nation, insulates a number of people, including somebody like me, from that sort of a radical shift and political change, unless it happens in two out of the three appointing authorities.

So while if I had been in Connecticut or South Carolina I would have been toast the day after election, the people who were toast were Jerry Brown's appointees to the commission. They were replaced within two weeks by . . .

LAGE: So they don't have fixed terms, then?

FISCHER: No. I think they did have fixed terms, but it says, "For two years or at the pleasure of the appointing authority." So it became kind of a joke, at first a stressful joke, and then finally just part of the woodwork, to show up at any commission meeting and have people kind of looking at me and having muted conversations; they'd be trying to get to the seventh vote to fire me, and they never could. So they finally stopped trying after about a year, year and a half.

So it was in the context of that stress and tension, the staff didn't know whether I was going to be around from month to





month, in comes Deukmejian knowing that he can't abolish the commission, knowing that he couldn't change the law, but what's he got? He's got the line item veto, he's got the blue pencil on the budget.

So when Deukmejian came in to office, we had 220, something like that, staff members, and when I left the commission two years later, there were 110 staff members.

LAGE: So he halved it.

FISCHER: Yes, he halved it. And the stressful part of that for me, another one of my little management lessons, was that while it might have been the governor who took the dollars out, it was I who said which people would stay and which people would go. It wasn't just solely mine; I did it with the senior staff, and with. . . . We were unionized, so we sat down with shop stewards. But the buck had to stop somewhere, and it was on my desk. So the person who's actually wielding the axe becomes a person who is feared, and being a friendly type of fellow, I wasn't really keen about becoming a feared fellow either.

So taking it and cutting it like that was not an easy job, and watching the commission kind of devolve in its quality was not either. And then overseeing the staff, with an increasing workload, and cutting the staff, and then the staff members with other options, who are often times the best staff, would exercise those options, just as I did when I went to OPR in 1976.

LAGE: Had the regional commissions been done away with by then?

FISCHER: Yes.

LAGE: So you had the district offices.



FISCHER: Right, that's correct. And we lost the Eureka office in a specific blue-pencil item by the governor, and then Pete Wilson put that money back in kind of as a bona fide, "Ah, it's a new day for the coastal commission." Pete had been the mayor of San Diego when I was at the commission, and he and I would have breakfast, oh, I guess we did that three or four times during the process, just to keep the communications open. And Pete is very good in terms of urban planning. He was far better before his mayoral term than after. The developers got to him. But he was, as a state assemblyman, nationally known as a sponsor of good planning legislation.

LAGE: And he'd actually sponsored one of the coastal bills in the legislature.

FISCHER: That's right, the first coastal bill, which was not as good as the one that ultimately passed, but a good one, was initiated by Pete.

So anyway, the courage and the stick-to-it-iveness of the staff, particularly during the Deukmejian desert crossing, is something that really needs to be celebrated. There are a bunch of unsung heroes there.

LAGE: And Peter Douglas takes . . .

FISCHER: Peter Douglas takes a lot of credit for that.

LAGE: Did he help with the paring down?

FISCHER: Yes, he did. I remember one point, we were just having bloody arguments about which. . . . The staff director in Los Angeles was not being helpful, and nobody wanted to take the cuts, and every boss wanted to be able to demonstrate to her or his troops that, "I was there and I fought for the troops." So in a way, that's passing



the buck. All right, so I know somebody's got to, so at one meeting Peter was there, and the other district directors, and I wrote on the board, "Here are the principles. Here are the things that will be protected." And I spun on my heels and I said, "I will see you at the end of the day, and I expect you to tell me how you're going to cut it." And left, and so it was Peter then who brought the crew together and didn't let them pass the buck to me, but basically as a team worked out the cuts.

LAGE: And then you have half the number of people with the same or more work; that is a challenge.

FISCHER: More work, that's right. And so how do you motivate them, inspire them, to do both more work and still good enough work? And I frankly think that that's where the Nollan decision came down. Interestingly enough, the Nollan decision has a very, very chilling effect on local elected officials all over the place. There's a house being built [in Mill Valley, near Fischer's residence], and I was talking to the planning department about this house two doors away, and our little neighborhood's desire to have that developer build a trail along the stream, or build a little bridge on the trail.

The assistant planner said, "Well, you know, under the Nollan decision, there's got to be a nexus between the development and the requirements that you lay on it," and in Nollan, there was a house that needed a seawall right on the edge of the water, and the commission required an access easement along the top of this seawall right out in front of his living room.

LAGE: So the developer was going to build the seawall?

FISCHER: That's right.



LAGE: And that was approved?

FISCHER: Yes, the house and the seawall were approved, but the theory was that when you put the seawall in, the scouring actions of the waves will wash the sand out, and right now, the public has a right to walk on the public tidelands, the wet sandy beach. You put the seawall in, water gets scoured out, public access gets disrupted, therefore, property owner, you've got to allow the public to walk on the top of the seawall, since the sand is gone.

Well, the [U.S.] Supreme Court said that that theoretical nexus wasn't enough, that the commission had to do an actual study on the site to determine that the scouring would have taken away the sand before it required an access dedication. Well, with the commission staff cut in half and no consultant budget, there's no way that the commission is going to be able to do that kind of site-specific analysis, and the Supreme Court said that without that analysis, you couldn't determine the sufficient nexus existed.

LAGE: That makes these things awfully expensive.

FISCHER: That's right, it does. So it was the budget cuts which meant that the commission didn't have a staff geologist any more to be able to do this sort of documentation. So by definition, the budget cuts made the commission's professional staff less capable of maintaining its standards.

LAGE: OK, I think we can stop for now, and let you go . . .

[End Tape 5, Side B]





[Session 4, August 30, 1993]

[Begin Tape 6, Side A]

LAGE: I ran across this report [Governor's Office of Planning and Research, Report to the Legislature on Coastal Development Conflicts and Recommendations for Process Improvement, May 1985] and wanted to ask you about it. It is very critical of the coastal commission, of course.

FISCHER: Oh, yes. Oh, yes.

LAGE: But I thought that might be something that you'd remember. Or do things like that not make an impact on a person?

FISCHER: Oh, yes they do, but what I remember of this is that they wouldn't let us see it.

LAGE: Until it was out altogether?

FISCHER: Until it was out, and even then, they would only send us one copy, because they only printed one, or very few.

LAGE: This is the Deukmejian administration's OPR critique of the coastal commission, and what's the date there, '85? May of '85?

FISCHER: Yes.

LAGE: I thought it was ironic, since you'd been in OPR, and then to have the new administration . . .



FISCHER: Right, it went bad. [Laughter] It went bad, it sure did. No, this made very little impact, other than to seal the relationship with the governor's office. It was clearly a bad relationship. Report conclusion, page ninety; what did they say?

LAGE: They obviously see a very limited role for the coastal commission.

FISCHER: It's a report that has a bias that local government knows what they ought to be doing, and the coastal commission is simply in their way, failing to give incentives to local government to expedite the process of local coastal program approval, so little progress can be expected in local areas with difficult planning problems. By progress, they meant the local governments aren't going to finish their LCPs, and the state agency, this coastal commission, will retain permit authority indefinitely. And they saw that as bad, as opposed to, as we were talking earlier in the Oregon situation, where if the locals wanted to let somebody else handle the red-hot issues, that was OK. That was an alternative that was acceptable.

LAGE: The implication that seems to come throughout is that the coastal commission is kind of power hungry.

FISCHER: Yes.

LAGE: Was that a frequent charge?

FISCHER: Yes, it was, because here we were, a "separate layer of government," and unwilling to simply trust local government--"Just trust us!" And since we wouldn't trust them, having been given very little reason to trust them, except for, oh, a few jurisdictions like Del Mar down in Santa Barbara County, and Marin County . . .

LAGE: So Del Mar did a good job?



FISCHER: Del Mar did a good job.

LAGE: They're growing very fast there in the last few years.

FISCHER: Yes.

LAGE: A lot of development.

FISCHER: But nicely designed, I think. In any event, very few local governments demonstrated the ability to withstand intense pressures, and so with the coastal commission kind of retaining authority and saying, "All right, we'll deal with the Irvine Ranch Company," clearly the Orange County folks are going to cave to them. That led to Irvine Ranch Company and Orange County--"Ah, power grabbers, don't want to let go of power." Well.

LAGE: Instead of some philosophical conviction.

FISCHER: That's right, that's right. And you know, there is, I think perhaps, a shred of truth in that. Once you have authority and responsibility, you. . . . As I remember the phrase that I used so frequently when I was at the coastal commission, that the citizens in Prop. 20 and the legislature in '76 entrusted the care of this precious resource to the coastal commission. So here we, and very much the personal we of Michael Fischer or Dave Dubbink or Mel Lane or whoever it was, we had this very personal sense of holding in our hands this fragile, kind of delicate fledgling of a bird. And the idea of us giving all this love and care and concern and consideration to this fragile, delicate thing, and then turning it over, just the act of turning it over to somebody else is a difficult one. And that's in a way what they were saying, power hungry. Well, we've got it now, and do we want to give it up? No, we happen to love this stuff.



All right, now we will give it up only under the very, very strict conditions of a protective local coastal program, and we would get into battles about levels of specificity. At that point, the local governments would say, "Trust, don't you trust us?" Even though we said, "Wait a minute, it's not a matter of trusting you as an individual, it's a matter of trusting to the pressures that might fall five, ten years from now, when you, planning director of Half Moon Bay, and I, Michael Fischer, are going to be doing other things. It's a matter of really protecting this resource."

I think many local elected officials were unable to get over the feeling of being mistrusted, and in my experience, there's only one possible reaction when you believe that somebody doesn't trust you, then it's inevitable, they can't trust you back. So that kind of aura of mistrust, even though we recognized it and tried very hard to break through it, that kind of colored many things and led people to this sort of report. And I think, as I was mentioning before, the fact that I stood up on podiums with Tom Bradley, saying, "This time, vote as though the future of the coast were at stake, because it is."

LAGE: When Deukmejian was running.

FISCHER: When Deukmejian was running for governor.

LAGE: Now, that takes a certain amount of courage, I would think.

FISCHER: Well, that's right, or chutzpa, or whatever. Anyway, people like Huston Carlyle, who became the director of the Office of Planning and Research and was part of Deukmejian's campaign apparatus, he knew that. He knew that I was on the other side. There are Democrats and Republicans, friends and enemies, and when here





was Deukmejian campaigning in part to abolish the California Coastal Commission . . .

LAGE: Deukmejian made a straightforward promise, didn't he?

FISCHER: Oh, very straightforward, yes. That's right. No, he wasn't sneaky about it at all, and for that I honor him. I think he was saying, "All right, here's what I stand for; I don't stand for this super-government agency telling local communities what they can and can't do with their communities, and I'm going to try to get them out of your hair. I'm going to abolish them."

LAGE: Of course, he didn't.

FISCHER: Well, he couldn't, that's right, because the only way he could abolish the coastal commission was to blue-pencil the entire coastal commission budget. Well, under the coastal act people still needed to get permits, and so if you blue-penciled all of the money out of the budget, then there would be no permit applicants, no permit analysts, to review the process, and it would be tantamount to a moratorium on development. So he couldn't do it unless he could get a majority of the legislature to repeal the coastal act, and that he could never do.

LAGE: But you did have some suggestions for reform in the legislature, apparently in response to the Malibu fire and the permitting process for rebuilding after the fire. Do you have anything to say about that?

FISCHER: Boy, do I. . . . I've forgotten, did we talk about the Malibu fire and Jerry Brown last time, and the coastal bureaucratic thugs?

LAGE: No.



FISCHER: OK. I remember very, very well being in a meeting of the regional executive directors and regional commission chairmen down at a hotel in South San Francisco, and Katie Corsaut, who was the director of public affairs, media person for the commission, (now a public affairs manager for the state's Department of Justice in Sacramento) came and interrupted me, and I said, "I can't be interrupted. I'm leading this meeting, this presentation." She said, "Yes, you do need to come out," so I stepped out in the hallway with her, and she said, "There's a fire at Malibu, and I've got the newspaper on the line. What do I tell them?"

I said, "Well, is it anywhere near the shoreline, or is it up in the mountains?" "I don't know," she said. "Well, OK. Tell them this: first, we don't know whether any homes within the coastal zone are damaged, or will be damaged. But if they are, make certain that any person who has suffered a tragedy knows that the coastal commission will be there to streamline and expedite the process. If necessary, we'll set up an office in Malibu, and that every person who has a home now will be granted a permit to rebuild, and that we will set up a special application process, and we will waive the application fees, and we will do everything to reach out to minimize the devastation for the people's lives and pocketbooks."

So she was scribbling all this down and said, "Oh, OK, OK, that sounds good." So she came back and said to me, "Well, they have one other question, and that is, will you require access to be dedicated?"

LAGE: They thought of everything very quickly.



FISCHER: That's right. So I said, "Well, again emphasize, we don't know that there are any houses that are involved that have access as an issue at all. But if there are waterfront houses, the coastal act does not allow us to give a permit unless we can make the finding that maximum possible public access exists. So we will have to apply that aspect of the coastal act."

So the headline turns out, "Coastal Commission to Demand Access Before Rebuilding of Any Malibu Home." As I recall, there were a couple of hundred homes that were burned. Maybe four, maybe five that were on the water's edge. And ultimately, when people applied for the permits, three out of the four or five had no objection to dedicating the sandy beach down below their house for public access.

LAGE: Did they have to donate a path through?

FISCHER: No, in those cases it didn't make any sense. They were on a bluff's edge or something like that; there wasn't any possible vertical access.

LAGE: So it was just a question of the beach in front.

FISCHER: Right.

LAGE: Which I always think of as belonging to the public anyway, but maybe that's . . .

FISCHER: Well, the wet sandy beach does. The intertidal zone, the area between mean high tide line and low tide line, does belong to the public, but the sand between that edge of the wet sand and the sea wall or bluff face or whatever, doesn't.

But in any case, the next morning, the newspaper having reported that this was a big deal, without checking with me at all,



Jerry Brown and Tom Bradley were having some sort of breakfast meeting. They read the headlines, and they went ballistic, and Jerry Brown called it "thuggery." This was coastal bureaucratic thuggery at its worst, something like that. So as a result, for years after that, many of the coastal commission staff members wore T-shirts that said, "Coastal Bureaucratic Thug, and Proud of It," something like that.

So as a result of that backlash, yes, we initiated legislation to place a waiver so that if anybody had a home destroyed by that sort of disaster, the access provisions of the coastal act would not apply. When there was damage to a structure resulting from fire, we really wanted to be out of harm's way. We didn't want to have that sort of challenge placed on us, and we knew that this was going to happen almost never. This was going to have a tiny, tiny impact on the coastal resources.

Now, that didn't mean that a home destroyed by a tsunami or storm waves could automatically be rebuilt. That wouldn't be wise at all, because that would be a demonstration that here was development that had occurred in a hazardous area, and one of the aspects of the coastal act forbade the commission granting permits in areas where flood or tsunami were likely to occur.

So that was one of the streamlining things. Another kind of streamlining aspect, did we mention, did we talk about low- and moderate-income housing requirement last time?

LAGE: No.

FISCHER: The California Coastal Act of 1976 recognized that the law of supply and demand really applied to coastal land, that as Will





FISCHER: Rogers said, "Invest in land; they ain't makin' no more of it." Well, they don't make any more coastal land either. They made a whole lot less. So we realized that the coastal act's requirement of keeping the agricultural areas and the Big Sur areas, keeping large areas of the coastal zone out of the supply of developable land would simply drive up the cost of the remaining land. We didn't want to be in the business of protecting the coast and its views and its development only for the very rich.

So, as at least one way of redressing that imbalance, we wrote into the '76 act that the coastal commission should require to the maximum extent feasible low- and moderate-income housing, or affordable housing, where we had decided that housing was the appropriate use, housing itself being a relatively low-priority use in the coastal zone. Because the philosophy we put forth was that the coastal zone ought to be accessible to the largest number and the broadest spectrum of people possible, and so that where development was appropriate, then visitor-serving accommodations, particularly visitor-serving accommodations that didn't cost an arm and a leg--we didn't want the Royal Hawaiian Hotel up and down the coast at \$300 a night--and then water-oriented development, like fisheries, fish harbors and that sort of thing, or marinas, were also high on the list. Single-family residences, since they were the least efficient and in a way the most selfish use of the coastal zone, were down on the bottom of the list of acceptable uses. But, in many stretches of the coastal zone, housing was appropriate, particularly, say, in Orange County or San Diego County. So for those areas, we said to developers, "OK, the law says maximum



extent feasible, and that means that you guys ought to still make a healthy profit," but the profit margin for developments immediately on the coast is enormous compared to the same sort of house five miles inland. You're talking double or triple the price of the house.

So, particularly since we found early on some developers who were quite amenable to the affordable housing concept, we sat down and negotiated the rule of thumb that 25 percent of the housing units built should be set aside for low- and moderate-income families. And in order to make them affordable kind of indefinitely, after the initial buyer bought in, we didn't want the initial buyer to buy it at \$60,000, and then when she or he decided to move on, be able to sell at the same price as the adjacent house, which would be a quarter million or more.

So we entered into arrangements with the county housing authority, or the redevelopment agency, so that they would have the right of first refusal to buy it at the affordable level with an inflation factor built in.

LAGE: It does get complicated, when you leave the market price structure.

FISCHER: It does get complicated, absolutely complicated. And here we found ourselves negotiating with developers, and our staff members and I had to know how to negotiate with developers and understand the real estate world. And then had to understand the low- and moderate-income housing world, and affordable housing was a big deal around the country at the time. Still is, but to a lower level.

LAGE: It was also something that really wasn't found too much on the coast.



FISCHER: That's right.

LAGE: So it would have introduced a new . . .

FISCHER: And the strange thing was, it was on the coast that it was most feasible to extract, as they put it, that sort of condition to development, because a housing project in Riverside has a relatively smaller profit margin, and so you'd never be able to get 25 percent low- and moderate-income housing out of the development in Riverside, because the developer would have gone belly-up. In the coastal zone, the profit margin was so much greater, so in a way, it was counter-intuitive.

People were saying, "Well, now, wait a minute. Let me get it straight. You're going to take low- and moderate-income auto workers, and you're going to put them on the beach, in the most valuable, the most expensive--?" It was counter-intuitive to many people. To the communities like, in this case, Del Mar or Pebble Beach or some of the communities whose nature had been established as being upper-income and upper-class, the concept of bringing middle-class or lower-middle-class families into an upper-class community was in fact very threatening, sociologically threatening and politically threatening.

So the opposition to this concept and to the commission's work came not from the developers but from local government, who were responding to their angry constituents who were saying, "What's this?" In the three years that we were engaged in low- and moderate-income housing, we were successful in getting 2,500 affordable units built in the coastal zone. That's not on paper;



those were occupied units. So the local governments were not opposing a theory, they were opposing the fact.

The local governments, the League of California Cities, were just thundering around Sacramento to such an extent that supporters of the coastal commission, primarily the environmental types, were saying, "What is this social engineering?" as a number of the opponents called it. "What are you guys doing? We thought we created the coastal commission to save the coast, and here you are engaging in social engineering. That's another example of your grabbing of power and indication that you simply don't know the limits of your authority."

We simply said, "Well, here's the law, guys." And of course, the legislators would say, "Well, yes, but it was 150-pages long. We know who wrote the law; you guys wrote the law!"

So about three years later, that was removed from the coastal act, that responsibility. And when it was removed from the coastal act, many of the local housing authorities and redevelopment agencies simply let their contracts with the coastal commission lapse, and so there were a considerable number of people who did enjoy a windfall. They bought cheap houses and sold them for many more times . . .

LAGE: Inflated coastal prices.

FISCHER: Inflated coastal prices. So that success of the commission was ephemeral. Very few of those units had permanent protection as low- and moderate-income units. But that was another example of the kind of modification we made to the coastal act.

LAGE: That the commission itself put forth?





FISCHER: In this case, the commission did not put it forth. But friends of the commission did.

LAGE: Did you fight it?

FISCHER: Yes, we did fight it. We fought it very aggressively, and lost. That was during Jerry Brown's era.

LAGE: What about David Roberti? How did he stand on that?

FISCHER: I'm pretty sure that Dave Roberti was OK.

LAGE: I seem to remember that one of his interests during the 1976 legislative work on the act was not to have the elitist . . .

FISCHER: Ah, yes, you are refreshing my memory there. I remember being. . . . Hmm. Oh, I'm sorry, my memory is too vague. I was going to say I remember being disappointed because he pushed us and pushed us to oppose it, and then at the last minute he caved, but I can't say that for sure. But yes, he was for a long time supportive of affordable housing on the coast, and we'd go into Roberti's office and do some of the strategizing--how do we prevent this weakening amendment, and we worked very closely with the housing and community development director, Arnold Sternberg, and his chief deputy, Olena Berg. Olena's just a terrific person. She was until last month [Treasurer] Kathleen Brown's deputy treasurer. She's now an assistant secretary of labor, but once Kathleen Brown becomes governor, if she does, Olena's likely to come back.

But yes, Olena and I fought the good fight on that one together, and lost.

LAGE: So it wasn't a role that you objected to for the coastal commission; you thought it was a proper one?



FISCHER: No, we thought it was absolutely proper.

LAGE: And you could handle it.

FISCHER: Yes. Well, I think we demonstrated that we could. It was local government, who saw themselves having to pay more in services for these families than they were going to be collecting in taxes. That was their rationale.

LAGE: Although as you think about--I said earlier that you don't think of low income near the coast--but in truth, there always have been a lot of little low-income settlements in coastal areas.

FISCHER: Oh, sure!

LAGE: And they're the ones that are taken over by the big fancy condominiums. Del Mar didn't have any perhaps, but further north, they did.

FISCHER: No, but the Barrio Logan area in San Diego, near the shipyards, was one that we worked very closely with the Hispanic community to protect those housing resources and expand them, but surely the north coast communities, towns like Morro Bay and Pismo Beach and Half Moon Bay, Watsonville, Seaside, these are blue-collar towns. And you're right, the blue-collar folks are forced out when the big bad developers come in, and the big expensive developments come in.

So yes, there was a lot of stress. One of the streamlining bills that we talked about last time was the Sea Ranch one. The streamlining approaches came when we saw these political crunches, like the Malibu fire, like Sea Ranch, things that were just causing all sorts of political turmoil, and it was interesting that a number of our staff members, not so many of the commissioners,



FISCHER: but a number of the staff members, were in fact very rigid, didn't understand the vagaries of Sacramento at all, and believed that good leadership on my part would have been simply to stonewall them. "We know what the law is, we're going to follow the law. You turkeys want to change the law, then don't involve us. We're Mr. Clean."

And so any communion with the dirtballs in Sacramento was seen as despicable by many of our younger and more naive staff members, not understanding that there was much that Peter Douglas could do to steer these bad guys. You know, we could give them what they wanted but only what they wanted, or only what appeared to be what they wanted, without suffering really terrible losses. And if we had simply stayed away from it, we would have taken very terrible losses, because the friends of the commission, the philosophical friends of the commission, who were personally committed to its requirements, were very, very few in number in the state senate and the state assembly. We really had to deal with party loyalty, and we had to deal with the David Robertis of the world, and then have Roberti say, "OK, this is the way I want it to come down," or Leo McCarthy, or Willie Brown.

And without working with those guys, we would have really been seriously damaged very quickly very early on. But the communion, if that's the right word, with those legislators in the privacy of their strategy sessions, is by definition not an open public process. Those who aren't part of such a strategic backroom dealing intrinsically mistrust those who are part of it.



So here again, particularly after the coastal commission became the California Coastal Commission created by the legislature in 1976, as opposed to the California Coastal Zone Conservation Commission created by the vote of the people in 1972, we became a creature of the legislature. Because we were immune from amendment during those first four years, but we were subject to amendment the next minute after the California Coastal Act of 1976 was passed. But that change was not readily apparent to the citizen groups, and to the staff members.

LAGE: That's interesting.

FISCHER: So we became, then, part of the legislative process and creatures of the legislature, and we had to cozy up to them and in essence become lobbyists, because it was Peter Douglas or Michael Fischer in their personal relationships with legislator A, B, or C, just as the big developers' lobbyists had the personal relationships with the legislators, that in many cases would spell the success or failure.

One of the other intriguing interpersonal dynamics here was I served at the pleasure of the coastal commissioners, but the coastal commissioners used up all their time and energy at coastal commission meetings. Particularly the state commission met twice a month for two and three days at a crack, and from eight in the morning until midnight or after each day. And then they went home to do their other real jobs, and they were not present in these late-night strategy sessions in Sacramento.

LAGE: So they didn't take much of a role in lobbying?

FISCHER: That's right, they didn't. So here they were kind of excluded by practice and their own limitations from the secret meetings, not so





secret, but back-room sorts of dealings, the way the legislature works.

LAGE: Not open hearings.

FISCHER: Not open hearings. Because by the time they get to the committee hearing of the legislature, you've got most of your votes counted. You might have one or two swing votes that you can influence during the hearing process, but that isn't where the action is. And indeed, we would fly up our chairman if he or she could come to a legislative hearing to be the principal spokesman for the commission, but that happened very rarely. Usually it was Peter or me.

LAGE: But were you under the commissioners' direction? I mean, these things were discussed in the commission meetings, were they not?

FISCHER: Yes, yes, but let's say, we would discuss an amendment on low- and moderate-income housing on the tenth of May, and the hearing would be on the twentieth of May, and the committee vote would be on the thirtieth of May. Well, between the tenth and the thirtieth, all sorts of amendments or deals could have been cut, or new ways of approaching it. The commission didn't meet in those days, and so Peter and I would have to play it not just by ear but by our knowledge of what was appropriate, and then we'd go back and report to them what had happened. And yes, we did report, but not always . . .

[End Tape 6, Side A]

[Begin Tape 6, Side B]



FISCHER: And I mention all of this because of the human interpersonal dynamic that that creates, again, the mistrust is almost instinctive. "Oh, if I had been in that room talking to Willie Brown, here's what I would have said to him. And Fischer and Douglas, you didn't say that to him?" Well, you know, it either didn't occur to us, or, "No, that's not what would have sold, believe me. If you had seen the fire in Willie Brown's eye, no, you wouldn't have said that!" [Laughter]

In any event, there was a bit of an aura of mistrust there, and I use lower case letters for those words. And that was really true later on in the commission's life with regard to the budget. And this also relates to a relationship with one of the state agencies, that would be the Department of Finance. The budget is always put together kind of at the last minute, even though you start six months before the budget time period.

LAGE: Now, you mean your budget, or the budget for the state?

FISCHER: The budget for the state of California. But the coastal commission's budget. . . . Well, really, when one budget is approved by the legislature, the staff starts working on the budget for next year. There is no non-budget planning time. But the process is relatively complex and involves the analyst for the Department of Finance, and it also involves the budget staffers for the Resources Agency secretary, and then you deal with the Finance Committee staff of both the assembly and the senate, and then it finally comes out of the legislature back to the governor and at that point, you start again working with the Department of Finance staff and the Resources Agency's finance person.



Well, when the Resources Agency is ready to pay attention to the coastal commission's budget, they're going to pay attention to it, they'll give you notice, like on a Thursday, "Next Tuesday, Fischer, be in the Resources Agency secretary's office to defend your budget." And that Thursday, we may still have been negotiating with Department of Finance staffers on one aspect or another of it.

Well, there are very, very few stages at which the commission, as the commission, can get involved in the budget. Very early on, we would say to the commission, "Here is the general outline of the budget: we're going to keep these offices open; we're going to propose adding three more staff members for offshore oil issues, because those things are heating up; and we're going to propose to publish a Coastal Access Guide." So we'd tell them those general things, and they'd say, "Fine, go do that."

LAGE: So they didn't get involved in it.

FISCHER: They didn't get involved in much initially. But later on, again this is under the Deukmejian era when we had more than half of the commissioners who had been local elected officials, they knew that as city council members they had voted on the details, on the minutest details, of the planning department budget or the police chief's budget, and so here they were sitting as commissioners with an agency whose budget size was--I've forgotten now--\$12 million at one point, and here they had only the most general report on the budget. Then they would hear during the executive director's reports, that, "Oh, my God, I was having trouble with this committee or that committee or this," and they would say, "Well,



FISCHER: gee, we never heard of that detail that you were having trouble with them on."

So the commissioners' involvement in the budget did increase later on in the process, though their involvement in the budget basically became yet another hurdle that I had to go through, because they had no ability to support the passage of the budget in Sacramento, but they simply became another hurdle that I had, or another obstacle that I had to deal with.

But during the Jerry Brown era, when it was clear to the Department of Finance that Jerry Brown liked the coastal commission and he wanted it supported, well, the staffers for the Department of Finance would do everything in their power to help us out. If Claire Dedrick's staffers or Huey Johnson's staffers were a problem, then they would help us out there. But the truth is, we got to be--by we, I mean [William] Bill Travis. Bill was our deputy executive director for finance and administration, and remains a very close friend of mine. Talk about a sharp, hardworking man. He's now deputy director of BCDC, and someday may be executive director of that.

But Travis and I established very good relations with [Harold] Hal Waraas, who worked in the Resources Agency as the budget officer for a number of secretaries, and for all I know, Hal is still there. Hal and Travis and I got to be good buddies, and we knew when Hal said he would do something, he would, and Hal knew that when we said we'd do something, we would. He never questioned what we said in the budget. We said, "Here's the workload, here's the staff we need," bingo, it would happen.





Well, Deukmejian now comes in. Hal is still working in the Resources Agency, and the same budget analysts who had handled our case were working in Finance Department. But they knew that the new governor hated the coastal commission, so it was now their job to gig us wherever they could.

LAGE: They were civil servants?

FISCHER: Yes.

LAGE: But that's an interesting demonstration of how . . .

FISCHER: How the loyalty can shift. That's right. And it did, even though they were civil service, as opposed to political appointees. But they knew what their bosses wanted done, and they strove to do it. That caused a number of very interesting personal conversations between Travis and me and the guys and women with whom we'd been close colleagues for a long time.

LAGE: Well, was the trust still there between you, or how did it change?

FISCHER: Yes, that was why the conversations were so difficult, because yes, they did still trust us, and yes they did, from their end, still like us and supported the program. But when we would ask them questions, they couldn't give us the answer, because their bosses had told them, "Don't tell the commission that we're going to shaft them at the assembly committee hearing, and not at the . . ." Because they would be playing the vote-getting game just as we were, and they wanted to surprise us, or they wanted to swipe votes away from us. And so opponents in a legislative process can't share information with each other, and so here were these guys who heretofore had been forthcoming, all of a sudden they



couldn't talk. It was both disappointing and a good lesson in how hardball politics is played.

LAGE: You did learn a lot, I would say.

FISCHER: Yes. One of the things that you've indicated here in your opening paragraph [of interview outline] is Claire Dedrick's feeling that she was a bird in a badminton game. Well, no, I never had that feeling. But I sure felt like the hub in a very intricate, complex network-building game. Networking skills are absolutely essential for positions like this.

I was intrigued because in 1980, I was invited to a four-week class at Harvard for senior executives in environmental management. The then-chairman of the commission, [Lenard] Len Grote, who was the ABAG representative, wonderful man, very articulate and principled and at the same time soft and jovial, and part of the local political good-old-boy-pols sort of thing, but still a good guy. Unfortunately, killed in an auto accident in Mexico.

LAGE: Was he a labor representative?

FISCHER: No, he was the ABAG representative. He was city councilman in Pleasant Hill, so he was a noncoastal person. Anyway, he became the state chairman for a while when I was invited to go back to Harvard and was very supportive in getting me the time off, and Harvard gave me a scholarship and that sort of thing. So anyway, with his support, I went. There were fifty people in this month-long class, about half were from the EPA [Environmental Protection Agency], and the other half were probably half state and local officials, and then the final quarter were from private sector: Exxon, and Tenneco, and Nabisco, and Chevron, that sort of thing.



I was most delighted to see those folks from the private sector kind of be utterly boggled. They said, "My God, I had no idea how controversial, how complex, how much courage, and how much personal commitment is required on the part of public servants!" And it was nice to hear that from these kind of cynical, mid- and senior-career private sector folks. But yes, you had the media to deal with, and you had to know how to deal with the media. We thought we knew how to deal with them on the bureaucratic thug thing [after the Malibu fire], but it didn't quite work. We were leading with all the positive stuff, and they zeroed right in on the one negative thing, and none of the positive stuff ever made it into the press, on that one anyway.

But we had to know how to deal with the legislative gang, had to know how to deal with the Department of Finance, and needed to know how to deal with the bad-guy lobbyists, and how to use them every now and then for your benefit. Had to know how to deal with cynical staff members or naive staff members, or local elected officials, or the couple who wanted to build a house at Sea Ranch and whose grandmother was going to move in with them, and if they didn't build it this year, then their grandmother would be dead, and that sort of thing. So there were all sorts of branches to this complex network that you were . . .

LAGE: The wheel.

FISCHER: Yes, like a wheel. So I didn't feel like a bird in a badminton game, but certainly felt sometimes like pulled by the spokes, and sometimes the spokes were rays of light shining on you. It was very complex, and very exciting.



One of the people that I ought to mention is Senator Robert Presley. Bob Presley took over the State Senate Natural Resources Committee; he is from Riverside, former sheriff, a wonderful guy. Principled, articulate, thoughtful, courteous, and he did a very, very good job of fending off the uncalled-for attacks on the coastal commission and had a common sense streak that was just pure gold. So when I'd come in and say, "Bob, here's the rationale here, here's the way we've got to handle that," he'd say, "Michael, that one doesn't fly. Let's see if you and I together can't think up another one, and here's the reason why it wouldn't fly." So very good teamwork with Bob, and if Bob didn't agree with us, we weren't going to get that through. He, I think, deserves an awful lot of credit for keeping the commission out of too much of the muck and the mire.

LAGE: So he could be an advisor as well?

FISCHER: As an advisor as well as a leader, that's right. We could consult with him very. . . . He gave us very good access, even though he was an extremely busy guy, and even though his own constituency couldn't have given a fig about what happened to the coastal commission. It wasn't going to affect his reelection. So the fact that he spent a lot of time and care on it meant that he was doing it because he knew it was right. He was serving as a senator for the whole state, not just his district, and that's one of the definitions that [President] John F. Kennedy included in the definitions of political courage, included in his book, Profiles in





Courage.<sup>1</sup> So I would put Bob up there, particularly after Deukmejian came in.

It was intriguing that the Democratic leadership of both houses, not everyone, not like Bob Presley, or [Assemblyman] Sam Farr--these are good guys who remain good guys--but there were Democrats who said, "Aha, now you really need us, because if we mess up with your budget, we know that Jerry Brown isn't going to save you, isn't going to add money back in for your line item. So we know that if your budget doesn't pass the legislature, then Deukmejian is going to take advantage of that. So aha, Fischer, [ahem] I've got this developer who I really want you to meet with," and so . . .

LAGE: It was that up-front?

FISCHER: That up-front, oh, yes. Very quid pro quo.

LAGE: Can you give examples of that kind of thing?

FISCHER: Um, no. No, because. . . . I could, but the time has. . . . I might get it wrong, and so I don't want to . . .

LAGE: But it happened more than once, it sounds like.

FISCHER: It happened about a dozen or so times. And indeed, that sort of pressure from the side of the house that was concerned about the needs of the community, as opposed to that side of the house which was concerned about the needs of private property rights, the Democrats became very cynical in the use of their power, and that's one of the things that led me to say, "God, this isn't fun any more."

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1. John F. Kennedy, Profiles in Courage (New York: Harper, 1956).



LAGE: So you had Democrats that would approach you for personal things?

FISCHER: Oh, yes, it was only the Demos. The Republicans wouldn't do it, because the Republicans knew that I knew that they weren't going to vote for me anyway, so . . .

LAGE: I see, they would have nothing to gain.

FISCHER: Nothing to gain at all.

LAGE: So how did you handle these?

FISCHER: Well, the most that I would give a developer was access. Which in some cases is a lot. But it would not change my recommendation, the staff recommendation, and in many cases I wouldn't tell my staff members that I had met with these folks, because I wanted to protect them from any perceived pressure from me. And indeed, that was usually a good strategy, but on a number of occasions, that was a bad strategy on my part, because if I wouldn't tell the staff person that was working with a developer on a project, and then later on she or he would find out that I had met with them, then they would say, "Oh my God, what's going on here? Is Fischer all of a sudden at the last minute going to change his recommendation, and is he going to cave?" Because they watch the Willie Browns of the world caving, and others caving, and here is Douglas and Fischer dealing with those folks all the time. So maybe they're politicians too, and they're going to cave. So there was mistrust sown by that sort of special access that was given. But in my heart of hearts, I believe that all I ever gave was access, never gave a softer recommendation. But who knows.

LAGE: These things can begin to wear on you.



FISCHER: Just like at the Sierra Club, when we would say, "Well, we're not going to take any money from Exxon, because people will say that we didn't sue Exxon when we could have." Even if we sue them ten times, the cynical Sierra Club member would say, "Aha, if you hadn't accepted that \$2,000 from Exxon, you would have sued them twelve times instead of ten!" So there's always that appearance of being too good to the bad guys. So yes, that is wearing, and that's one of the reasons that I left as well, but I'll get to that later on.

You ask about relations with other state agencies. State Lands Commission was . . .

LAGE: The whole oil issue kind of brings . . .

FISCHER: Well, yes it does, but the State Lands Commission friction, and there was friction with the State Lands Commission, also taught me a little bit of a lesson. We had terrific relationships with those state agencies where there was not overlapping jurisdiction. But when there was overlapping jurisdiction, when they had their statute and they were accepting the responsibility and authority for their precious resource, and here we were usurping, marching into their turf, and doing it a different way. . . . Like with the Division of Forestry where we'd say, "That riparian corridor, you've required a fifty-foot buffer. Baloney, it ought to be a 500-foot buffer." And of course, that would wear on them, "Who the heck are you to tell me that fifty feet isn't enough? I'm a professional forester, you're not." And of course, we knew just by looking, and common sense, that fifty feet down at the bottom of this steep canyon wasn't going to do it.



That was the case in spades with the State Lands Commission. Even though with their public trust staff members, we were hand in glove, because the public trust staff members didn't have the permit authority to require access dedications, et cetera, et cetera. So we could collaborate. We would use their legal expertise, they would use our legislative authority, and we complemented each other's . . .

LAGE: Now, what kind of an issue would this be?

FISCHER: The public trust would be access to and public use of tidelands, primarily.

LAGE: But when you got to the oil . . .

FISCHER: When we got to offshore oil and gas, here they were in a way a mini-U.S. Department of Interior. Here's the Department of Interior with conflicting missions. They're supposed to develop oil, and they also have the U.S. Fish and Wildlife Service, and they're supposed to protect resources. Well, you have these two divisions of the U.S. Department of Interior always fighting with each other. Similarly, here was the State Lands Commission who was charged with developing money, and the money that they got from state tidelands went into public education and was part of the state's budget. If we said, "State Lands Commission, no. You can't put that lease or you can't license that drill ship there," that was us standing in the way of their accomplishment of the mission.

So we tried to address this in an interpersonal way. As a matter of fact, I had, I think it was a monthly meeting with Claire Dedrick when she became State Lands Commission executive director. We had, I guess, our two senior staffers. So it would be





six of us, three and three, we'd get together once a month. I was confounded to learn about three or four meetings into this string of meetings that our two respective senior staff folks were taking book on how many minutes into the meeting we would go before either Claire would scream at me or I would scream at her.

[Laughter] It was just amazing! So here we were . . .

LAGE: Now, had you worked with Claire before this?

FISCHER: I had. Claire Dedrick and I had gone back to about 1964. I had been a young planning staff member for the city of Mountain View. Claire Dedrick lived in a house on Alameda de las Pulgas in Palo Alto or Menlo Park. The county engineer wanted to widen Alameda de las Pulgas. Well, Claire Dedrick became actuated by that public event. She became a citizen activist and learned how to deal with the planning commission and the city council and the public works director. She stopped that widening of Alameda de las Pulgas in her front yard.

From that beginning, she then became active in the mid-Peninsula group of the Sierra Club, and ultimately became a member of the national board of directors of the Sierra Club. In '64, I was working on the Mountain View general plan, and we wanted to have public involvement, citizen participation in our planning effort. So I went to Claire, who was an activist at the Sierra Club, to teach me how do I encourage, how do I listen, how do I facilitate public involvement? So she and I were kind of colleagues from way back then.

So here we are now in. . . . When was Deukmejian elected, '82?



- LAGE: Yes, '82. Came into office in 1983, January '83.
- FISCHER: Yes. And she was State Lands Commission executive director while Deukmejian was governor, right?
- LAGE: I believe so. I have to check the dates on that. And she came from Resources Agency, via the Public Utilities Commission.
- FISCHER: Yes. Well, she really didn't work out as Resources Agency secretary, and Jerry finally had to say, "Thanks but no thanks, Claire." Because management simply was not her. . . . She'd been a housewife, and she had never had a job as a manager of anything. She and Janet Adams had been the spark plugs for the Proposition 20 campaign [the coastal initiative in 1972]. That was really her claim to environmental fame.
- LAGE: Well, there's some irony there.
- FISCHER: Oh, absolutely irony!
- LAGE: She helped get the coastal act passed . . .
- FISCHER: Here we were, colleagues, collaborators, and from even way before the coastal act, and then colleagues and collaborators during the coastal act, and then now here she is at the State Lands Commission, I mean . . .
- LAGE: With a different mission.
- FISCHER: Where you stand depends on where you sit, that's right. Anyway, that was a good example of how, when you have an overlapping mission, there can be all sorts of antipathy. CalTrans the same way, when they wanted to put a freeway down Devil's Slide. But if you wanted to deal with CalTrans on getting their advice on the local coastal plans and traffic generation characteristics, they were



very collaborative and very supportive. But if you came into conflict, then Katy bar the door, sort of thing.

And that's one of the things that Assemblyman [Edwin L.] Z'berg made a big deal of between the Prop. 20 commission and the coastal act of '76. Ed Z'berg wanted to make sure that there were not overlapping responsibilities, particularly with the State Water Resources Control Board, and the Division of Forestry. He didn't have much of a problem with the state parks units requiring permits for those projects, or for CalTrans requiring permits for development that they were going to do. But it was duplicative permit authority that he hated. He didn't understand fully the reality of the fact that regulatory agencies become captured by the industries that they regulate, and that forestry was well and truly captured by the lumber industry. So his kind of dividing that baby and saying, "OK, commission, you can comment on timber harvest plans, but the Division of Forestry's decisions are binding there."

LAGE: Did he get that written into legislation?

FISCHER: He did, and as a result, the standards of timber harvest in the coastal zone went significantly down after 1976. Same thing with septic tank and water well and other sorts of Water Resources Control Board issues. Those water resources control boards are made up of good old boys, basically, and under Z'berg the commission's authority to establish our own standards, in essence, for septic tank loading and effluent loading, this came up during the sewage, the big super-sewer that the City and County of San Francisco wanted to build with the outfall off the San Francisco Zoo/Fort Funston on the Great Highway.



LAGE: These are major impacts on the coast.

FISCHER: Oh, yes, big major projects, yes, major projects. And most of the coastal commissions in other states had major responsibility for whether you do primary or secondary or tertiary treatment of waste water, but the sludge problems in Santa Monica Bay were entirely out of our jurisdiction, because of what Z'berg wanted to do. Well, the State Water Resources Control Board found themselves powerless going up against the County of Los Angeles.

LAGE: And you think you could have handled that better?

FISCHER: Oh, we would have, I think we could have, yes. We were a state agency, without the kind of politics of the water boys.

LAGE: What about getting the expertise, such a broad expertise within your agency? Was that ever a problem?

FISCHER: Well, what we did back in the Prop. 20 days was we dealt with the professional staffers of the Division of Forestry and of the regional and state Water Resources Control Board. As long as Jerry Brown was there, Jerry sending the signal through the directors that, "We want you guys to collaborate, and we're all in the same game here," it was relatively easy for us to get collaboration and cooperation and expertise.

LAGE: So you drew on them for the expertise.

FISCHER: Right. And then with our commission and our statutory authority, we were able to be much more protective of the resource. It was with no department other than the State Department of Fish and Game that the difference was so great when Deukmejian came in, the staffer at Fish and Game who worked with us most closely was a guy by the name of Don Lollock. Don and his environmental





FISCHER: services division would give us expertise all the time, because we had the authority that they didn't. They have, I think it's something like. . . . Oh, now I'm forgetting the section's name, but if somebody wanted to alter a streambed at all, then they had to get some sort of concurrence from Fish and Game, but Fish and Game couldn't deny it. They didn't have the authority to deny the project, but they had some authority to slow it down. Somewhat like state historic preservation and local historic preservation, where they can slow things down a bit, require you to get two or three permits, but two or three more approvals, but they can't deny the demolition of a historic structure.

But when Deukmejian came in to office and a new secretary for resources came in and a new director of Fish and Game came in, well, the word went down the chain of command that, "Hey, these are bad guys. We don't want you collaborating." Well, here's Don Lollock looking at the resource, having the professional expertise to bring to bear, and I guess it was maybe three or four times he would, as had been his wont, he'd come to the public hearings and he'd testify and say, "Yes, we support the staff recommendation, because here are the professional factors."

Well, he did that maybe three times, and the secretary for resources was represented by Gordon [Show]. Oh, I'm missing his last name. He was known as Jabba the Hut. Jabba the Hut being a character in one of the Star Wars movies, big, gross, fat, obese-looking guy. Gordon. . . . Anyway, assistant secretary for resources, Gordon somebody.



Gordon, or Jabba, threatened Lollock with being fired, or since he was civil service maybe he couldn't be fired, but he could be transferred to Yuba City or something like that. So Don simply stopped coming to commission meetings, and when I'd call him up, first couple of times he'd return the call, and finally say, "Michael, I can't talk to you. I can't talk." So the word really went down, and the professionalism and the support that we had gotten from other agencies dried up in that sort of an atmosphere.

So it was that, on top of the fact that Deukmejian cut our staff in half by blue-penciling the budget that made it much more difficult to deliver the services. At the same time this kind of thing encouraged good people with other options to leave, staff members who saw no end to budget cuts as long as Deukmejian was in power, and in order to stay employed they might have to move from Santa Barbara to San Francisco, or they might not have a job at all, and so we lost not only numbers but quality staffers.

So Deukmejian did a lot to weaken the commission, and to create a situation in which its loss of credibility was inevitable.

[End Tape 6, Side B]

[Begin Tape 7, Side A]

LAGE: Shall we go on to offshore oil? That brings in a lot of things.

FISCHER: Yes. Our permit authority as a state agency under the state law extended out only three miles, to the extent of the state tidelands. But under the federal Coastal Zone Management Act, once a state's program was approved by the federal OCZM, the Office of Coastal Zone Management, now known as the Office of Coastal Resource



Management, OCRM, the state agency then became in essence an arm of the federal government, just as once a local coastal plan was approved by the state coastal commission, then the local government could grant or deny these permits for development and in essence they became an agent for the larger than local statewide interest.

LAGE: So you become not a federal entity, but a . . .

FISCHER: But an agent of the feds. The Federal Coastal Zone Management Act was passed in November, 1972,<sup>1</sup> the same month as Proposition 20 was approved, and it was passed after several years of debate over national land-use planning legislation, which the National Board of Realtors, et cetera, was successful in killing. But the coastal zone management aspect was the only sliver of this national land use policy that did succeed, and in essence, it created a very small Office of Coastal Zone Management in NOAA, National Oceanic and Atmospheric Administration, which is located, strangely enough, in the Department of Commerce. Under its provisions the federal Coastal Zone Management Act said the nation's coasts are a priceless resource, they belong to everybody in the nation, so even if you live in Peoria, it's in your interest to protect the beaches of Florida or California or Cape Hatteras, et cetera. And the ocean resources as well.

So in order to further that, Congress did not establish an EPA [Environmental Protection Agency] for the coast. Instead, they said, "Let's have states do this." This is very much a conservative

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1. 86 Stat. 1280 (1972).



FISCHER: states' rights approach, as a matter of fact. Interestingly enough, they brought in some conservative states' rights senators because of the way they structured it. They said, "OK, each state, prepare your own state coastal program, and if you have the guts, Jim Bob Bubba in Alabama, if you have the guts to protect, or Jim Local Government Bubba, if you have the political guts to protect the nation's interests in the wetlands in Mobile Bay, or the farm lands of central California coast, or to provide adequate port facilities in Los Angeles and Long Beach, even though it might not be in the local interests, if you represent and protect the national interest, well, then we will support you two ways. We'll send you money, we'll help fund the process; and we'll give you some authority that now you don't have."

And the authority that they gave was if there is any federal action that would be undertaken by the navy or the air force or the Department of Interior or Housing and Urban Development, HUD, if there's any federal action that would impact the coastal zone, you have the authority to concur or not, to determine whether or not such a use is consistent with the federally approved coastal management program. It was the consistency determination that became the code word. So it was a little bit of authority. The theory was, we've got a national interest here, we want it protected. But states, we're not going to come in and lord it over with a separate agency. But we want to entice you, we want to encourage you to undertake some of these difficult decisions, and here's what we will offer you if you will do that.





So that sort of process brought in, as I say, some Southern senators, including the key senator, [Ernest F.] Fritz Hollings. Fritz was influential here not only because he was a Southern conservative Democrat, but also because he was chairman of the Senate Commerce Committee, which has a Subcommittee on Merchant Marine and Fisheries, and coastal issues. Fritz was, and still is, a person of some seniority and clout, and so the coastal zone folks got under his wing, and that was very helpful.

So anyway, here's this authority that we had not under state statute but under federal statute.

LAGE: And it came just the same time as Prop. 20.

FISCHER: It was interesting, in fact, because when I was regional executive director here in Marin County, and Sonoma, and San Francisco, the energy element of the statewide coastal plan that we were dealing with seemed to be just so much theory. I mean, it was not a big deal. There wasn't the push for offshore oil drilling in the '72 to '76 era. I just couldn't conceive that there was going to be offshore oil drilling off of Point Reyes, so we just kind of said, Eh, thhbt, that's not a big deal, and didn't give it much time and attention at all.

The state commission folks looked at me as though I was some parochial know-nothing, and they spent a lot of time and energy on offshore oil drilling. They were right, I was wrong.

When I got to the state level, there were two issues. One was a platform that was just outside the coastal zone, Platform Hondo, off of Santa Barbara that Exxon [Exxon Company USA] wanted to build. Exxon wanted to tanker its production from that



FISCHER: platform down to Los Angeles. The commission said, "No, tankering is too dangerous. You've got to bring the oil to shore by pipeline and then pipeline it to . . ." And Exxon basically said, "Who the hell are you to tell us how we're going to deliver it? If you tell us we've got to go pipeline; we'll go to Secretary . . ." I want to say [Thomas S.] Kleppe, maybe it was Kleppe, who was the secretary of Interior under [President Gerald R.] Ford.<sup>1</sup>

Kleppe says, "OK, you can build an offshore storage and treatment facility, 3.1 miles offshore, in federal waters." And this was a ship, basically, that would be permanently moored out there, with the engine removed and that sort of thing. They would produce oil out of the well, which is a quarter mile away, fill up this ship, and then the tankers would come and moor next to this floating tanker, basically, and then suck the oil out and tanker it away. With all sorts of air emission impacts, because when you put oil into a ship that's full of oil vapor, the oil displaces the vapor and it goes out and pollutes the air. That's only one of the impacts.

And when Andrus came into office, he thought that was outrageous. He tried to eliminate the offshore storage and treatment, so-called OS&T, but found that he couldn't, that the permits had already been granted and the rights already had transferred to Exxon. But that was an example of Exxon's style, which I heard characterized in a meeting of the National Ocean Industries Association, which is the oilies, the bad guys, so-called.

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1. Thomas S. Kleppe was Secretary of Interior from 1975 to 1976.



I was the only greenie at a meeting, and I overheard a group of people saying, "Oh, you know Exxon, that's the company that would rather fight than win!" And they all guffawed. So that's the image and impression that Exxon has within the industry itself.

LAGE: And has had for a long time.

FISCHER: And they demonstrated that to a fare-thee-well in the Exxon Valdez situation.

LAGE: Interesting, corporate cultures.

FISCHER: It was very interesting, and yes, corporate cultures. I was there, the seven years I was there was long enough to watch people at Exxon and Chevron [USA Inc.] be promoted through parts of their career, and I found that at Chevron, you basically didn't get along in Chevron unless you were a very nice guy or gal, personable, sensitive, thoughtful, a person pleasant to be around. And exactly the opposite was true at Exxon. You didn't survive and succeed unless you were a flaming turkey, a very acerbic, aggressive, and a sense of, "We are Exxon, we are a multinational corporation, no nation tells us what to do, let alone some pipsqueak subdivision of some state."

And there was one example where, when Santa Maria Basin opened up just north of the Point Conception--and there are no shipping channels, shipping lanes, through Santa Maria Basin--the first two exploratory drill ships in that basin came in, we asked them about navigational safety. The Exxon guys said, "Well, we have all of our permits from the coast guard, we're doing exactly what the coast guard wants to do, and no more, and you guys can't tell us to do anything more because none of you has been a



ship captain, and we're not gonna agree to any conditions beyond the coast guard."

When I was talking to the Chevron folks, the Chevron guy said, "Well, you know, that's an issue, and we did talk to the coast guard about it, and they didn't impose any special conditions, so what do you think?" I said, "Well, we've had some experience," because we had done some. . . . We relied on the California Maritime Academy for some expertise down in the Santa Barbara Channel, where we had permitted a drill ship immediately adjacent to one of the shipping lanes, right outside but adjacent to it. We said, "We're really nervous about this; would you do a survey?"

And so the California Maritime Academy stationed a person for thirty days and took radar readings on every approaching vessel. And sure enough, in those thirty days, several dozen ships came within a hundred feet or so of this moored drill ship, very, very close, and in more than half of those occasions, they couldn't raise the other ship on radio. They tried signal lights and that sort of thing, and the ship would simply pass by, usually in the night, a narrow miss. So with that sort of information, we said, "Look, we've got data that supports our being nervous," and Chevron said, "Yeah, you're right. With that data, we'd be nervous too."

I said, "Can't we design something like an automatic collision avoidance thing? OK, let's have somebody on duty twenty-four hours a day stationed to watch. But let's also have some automatic thing so that when a ship gets within a mile, all hell breaks loose. You know, strobe lights, sirens, automatic radio beacons, the works." And they said, "Yeah, hey, that's kind of a good idea."





Yeah, we could design something like that." I said, "Well, go back and figure out how much it would cost, and whether your expert ship folks think it would make any sense at all, and so that we can judge whether it's a reasonable condition." And they came back and said, "Yeah, we could do that for \$30,000, and it's cheap at that price."

So we had both Exxon and Chevron at the public hearing. Exxon just by the draw came up first. So here was the staff recommendation to put this collision avoidance thing on, and if they did the collision avoidance thing, then we would concur that it was consistent, that this federal action was consistent with the California coastal program. Exxon was just fulminating and fighting and saying, "No way." So in the middle of their testimony, I grabbed the microphone and I said, "[Ahem], Mr. Chairman, could I beg the indulgence of the commission and Exxon, we'd like to work with Exxon a little bit more on the language of this approval, and in the meantime, could you have Chevron come on up?"

Well, Chevron comes up as Exxon's walking away, and Chevron heaps praise on the coastal commission, says how reasonable this was, how imaginative it was, how much better a project, and yes they'd agree to it, and so here's the commission unanimously approving Chevron and there's smoke coming out of the Exxon guy's ears. So the Exxon guy comes back and says, "Well, we'll agree to it too, but only under protest." And that guy then coming up to me and saying that he was afraid that he'd get



fired by his bosses for agreeing to it. But anyway, that's another indication.

LAGE: Those are good examples.

FISCHER: One of the things that I went away with great pride was two lawsuits filed against me called Exxon v. Fischer. I should have those framed.

But the really interesting thing was when [James G.] Jim Watt came in as secretary of the Interior, Watt then sends a letter out to all of industry saying, "Are there statutes or are there regulations or rules that are standing in the way of good business practices? If so, please let me know, and I'll do my best to streamline things for business."

Well, I got a Deep Throat ten- or twelve-page letter from Chevron to Jim Watt saying, "Abolish the Coastal Zone Management Act, abolish the requirements for monitoring of toxic waste dumps unless there are visible signs of pollution," I mean just . . .

LAGE: This is from Chevron?

FISCHER: From Chevron, the good-guy outfit! I felt betrayed! Because we were very close collaborators with this kind of a good-guy operation.

LAGE: Were they referring to California specifically?

FISCHER: Yes. Well, this was nationally, but also California. So I called up the president of Chevron, whose name I've now forgotten. The vice president who signed the letter was H. G. Soileau. I called the president and said, "Is this company policy?" He wasn't aware of the letter, but he called me back the next day, and he said yes,



he checked through, and yes, it was company policy. I said, "I can't believe it. Here we are, working together where we can to get projects through, and here you are undercutting the very philosophy and the very principles that we stand for."

He said, "Well, as a matter of corporate policy, it's our judgment that where there is a law in place, it's better business to collaborate and not to fight. But it doesn't mean we like the law, and if we have the opportunity, like Secretary Jim Watt has given us, to change the law, why then we'll change the law." So in a way, Exxon is the straighter of the two. Up-front . . .

LAGE: Yes, like Barry Goldwater, he'll tell you what he believes.

FISCHER: Yes, that's right.

LAGE: And stand by it.

FISCHER: So here I'm presenting Exxon as bad guys and Chevron as good guys, but, now wait a minute, given their principles and their values and their mission, which one is better than the other? Well . . .

LAGE: Well, you got more out of Chevron in terms of your goals.

FISCHER: Yes, we did. Remember I said that the feds gave us two things. One is funding and the other is consistency review authority. It was on those two aspects of the relationships with the federal government that a number of states saw it in their mutual interest. When I got to the state commission, there was in existence an outfit called CSO, the Coastal States Organization, but it had no staff, met once or twice a year, and just had conferences and had a whole bunch of members other than just the state coastal managers. Its mission was not clear.



When I came on board, Bill Travis and I were the delegates. A number of us became leaders in the national aspect of our work, and they were the coastal zone managers from Connecticut, [Arthur] Art Rocque, who's still there; Massachusetts, his name is Dugan--it's not--Dugan is his nickname--I'll think of his real name in a little bit: Richard Delaney. And Wayne Beam from South Carolina, and Dave Worley from Florida, and [William] Bill Ross from Alaska, and [James] Jim Ross from Oregon. A guy from North Carolina whose name I've now forgotten, and a guy from New Jersey. And a woman from Maryland, Sarah Taylor. And the fellow from Michigan, Chris Shaffer.

LAGE: You do a good job remembering as many names as you do.

FISCHER: We kind of became a cadre of leaders, and I went to the Donner Foundation. My friend [Robert] Bob Wise had been the executive director for the Council of State Planning Agencies [CSPA] when I was at OPR. His was an outfit that had a staff in D.C. that brought the state planners together. So Bob Wise said, "Hey, we ought to get some foundation money and set up an outfit like CSPA."

So I went to the Donner Foundation and I personally wrote out the application, the grant proposal. The staffers' names there were Janet Maughan, who's now at the Ford Foundation, and [Phillip] Phil Jessup, who now works up in Canada. We got a quarter-million-dollar three-year grant to get CSO staffed.

Before we got them staffed, we used. . . . Jerry Brown had a lobbying office in D.C. of about a half a dozen people, and the





Resources Agency staffer there, Gary Magnuson, spent a lot of time and energy with me in lobbying for offshore oil authority.

One thing that we missed here was the California Coastal Commission asserted consistency review authority over Lease Sale 53.

LAGE: I was hoping you would talk about that.

FISCHER: Lease Sale 53, the lease sale itself is just a signature on a piece of paper. There are no drill ships. Subsequently, they have to get a plan of exploration approved and then a plan of development approved by the Interior Department.

LAGE: So the lease sale is just the first step.

FISCHER: That's right, but it was a step which set in motion the chain of events that was virtually inexorable. So we argued that that was a federal activity over which the coastal commission had consistency review jurisdiction. That was ultimately argued and lost. We won at the federal district court level, we won at the district court of appeals level, and we lost at the U.S. Supreme Court level by a vote of five to four. So we laughed that we had convinced a majority of the federal judges who had heard this situation, but not the right majority.

LAGE: Was this Watt v. California?<sup>1</sup>

FISCHER: Yes, it was. Anyway, when that was in limbo, we then went to the legislature and got year after year a moratorium against further offshore oil leases off the California coast. Richard Charter is a citizen activist who has been active in that. [Congressman] Leon

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1. Watt v. California, 463 U.S. 1248 (1983).



Panetta took the lead, and year after year, we got those moratoriums.

LAGE: This was a moratorium up and down the California coast?

FISCHER: Yes, right. I guess a couple of years it excluded southern California, and so there was then a subsequent lease sale off of Orange County, as I recall. But for at least ten years, the moratorium has been for the whole coast. And interestingly enough, [Senator] Barbara Boxer was walking down the corridor in the senate just about three months ago, and Senator Bennett Johnston of Louisiana, a real representative of the oil industry, said to Barbara that he would support making the moratorium permanent, as opposed to just year by year, and he said off of California and south Florida (the Florida Keys), I guess.

So Barbara went to Richard Charter and said, "Richard, you can't quit." Richard was thinking of taking a job either with the Sierra Club or another outfit. I had been trying to recruit him for the Friends of the Earth staff. Barbara said, "You've got one more year; you've got to work to get this moratorium permanent." Anyway, all of that stemmed from the fact that California lost, or all states lost their authority over lease sales by that Supreme Court vote, even though Congress reinstated that authority and made it explicit that lease sales were subject to the consistency review authority about three or four years ago.

LAGE: So now states do have the authority?

FISCHER: Right. But citizen activists who are concerned about offshore oil drilling don't want to depend upon the vagaries of a California Coastal Commission that could get Deukmejianized again. The



regulatory authority is a very weak reed for the future to depend upon in the protection of tangible natural resources. So either moratoria or public ownership are far more permanent than the regulatory authority.

Let's see, so Coastal States Organization was very influential in fighting on offshore oil, on the consistency provisions . . .

LAGE: Was it basically a lobbying organization?

FISCHER: Yes, basically lobbying. Gary Magnuson helped us out before we got staff, and then when we got the money for staff, and Jerry Brown went out of office at about the same month, we hired Gary over and so Gary ran CSO for. . . . Well, until a year and a half or two ago. So that's been a while.

LAGE: Well, you had mentioned you spent a lot of time in Washington when you were the head of coastal commission.

FISCHER: That's right. I was back in D.C., oh, I would say at least six, eight times a year, and lobbying basically either for the reauthorization of the Federal Coastal Zone Management Act, or lobbying for enough money for the states so that we would get full appropriations.

Or we would be lobbying on the LNG [liquid natural gas] thing. You asked about LNG. One of the things that was bubbling when I first took over the job was an LNG siting bill.

LAGE: I thought that was state issue.

FISCHER: Well, not altogether. When I took over as statewide executive director of the coastal commission, Leo McCarthy had gotten the



state LNG siting bill<sup>1</sup> through, because at that time there was a shortage of natural gas. Major discoveries had not yet been made in Canada and Mexico. So it appeared that the air quality of California was about to suffer, or we were going to have brownouts, if we weren't going to have this cleaner fuel. And interestingly enough, it was a company whose name I'm now forgetting but in which [Governor Edmund G.] Pat Brown [, Sr.], Jerry Brown's father, was a major stockholder . . .

LAGE: Pertamina Oil Company?

FISCHER: Yes, Pertamina.

LAGE: [Sierra Club legislative representative in Sacramento] John Zierold had some wonderful words to say about all this.<sup>2</sup> [Laughter]

FISCHER: I'll bet he did. These were natural gas fields off of Malaysia. So to ship natural gas economically, you have to cool it down to liquify it, cryogenically cool it down. So these ships were basically floating bombs, because if they leak at all, then the liquid hits warmer sea water and instantly gasifies, and this gas cloud can spread like a mile a minute and create a flammable atmosphere, so anything within this cloud, if a spark occurs, boom, everything is fricassee.

So the coastal commission was under the statute charged with analyzing remote locations up and down the state where an LNG terminal could be sited. It was mandated to site one. The

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1. S.B. 1081, 1977-1978 Reg. Sess., Cal. Stat., ch. 855 (1977).

2. John Zierold, "Environmental Lobbyist in California's Capital, 1965-1984," an oral history conducted in 1984 by Ann Lage, Regional Oral History Office, The Bancroft Library, University of California, Berkeley, 1988.





coastal commission was supposed to come up with three proposals, and it was supposed to tell which one it favored, but I don't think the coastal commission had the final authority over which one of the three would be selected. It might have been the state Public Utilities Commission which had the final choice, I've forgotten. Somebody else had the authority to choose among the three.

So dutifully, here we are finding these things, siting them. I remember flying around with Tom Quinn, who was Jerry Brown's Air Resources Board chairman, flew around in the helicopter from site to site. We identified the marine base down south of. . . . Camp Pendleton is one, and then there was another just north of Ventura, and then there was one at Point Conception. We said Camp Pendleton was our favorite: sandy beach, no ocean organisms that were in jeopardy, and the marine facilities were all inland.

Well, I remember being in Congressman [Paul N.] Pete McCloskey's office.

LAGE: Oh, yes, he is a former marine.

FISCHER: Yes. Pete was a very good guy in coastal zone management, and I was lobbying him for something, funding or offshore oil authority or something like that, and he said, "OK, Michael, I'll give you my vote." I said, "Pete, thanks a million. It's always a pleasure to meet with you." He said, "Fischer, sit down!"

I said, "Yeah, what is it?" He reaches down to his desk drawer, pulls out of his lower bottom drawer a marine captain's hat, throws the hat on the desk, and he says, "Now, what is all this bullshit about an LNG terminal at Camp Pendleton?!"



[Laughter] So we had a very long conversation, and the long and the short of it was that the most sensitive, the most fragile, and our lowest priority of the three, Point Conception, was chosen. There were also sacred site issues [for a Native American tribe in the area.] Point Conception is known as the Cape Horn of the Pacific; it's a very rough water, and we were saying this is a bad idea. But there is almost nothing out there. There's Vandenberg Air Force Base, and the Hollister Ranch is out there, which is all forty-acre sites. So anyway, that was a . . . We could do a whole tape on the LNG facility, but what a story that was.

LAGE: That was something that Jerry Brown really wanted to get through.

FISCHER: He really wanted to get it through, and then, interestingly enough, the natural gas discoveries were made in Mexico and Canada, and so the LNG facility never transpired. The market went away for it, because it's much more expensive to haul liquified natural gas by ship than it is to pipe it down from down or up, from Mexico or Canada.

LAGE: So that's how the victory in that one occurred.

FISCHER: That's right.

[End Tape 7, Side A]

[Begin Tape 7, Side B]

FISCHER: One of the reasons California had so much fun being a leader in the Coastal States Organization and being, as they would say at OCRM, nasty to them--they would come out with regs, and we would just be very aggressive, saying that this is a stupid reg, you federal bureaucrats, you just don't know what you're talking about-



-one of the reasons we could do this was the amount of federal funding that came to the California Coastal Commission. Until Deukmejian came into office, it was less than 10 percent of our budget, and we figured that there was no way they could not give it to us, unless we were clearly doing less than required, and we were clearly doing so much more than was required that hey, we couldn't lose anyway.

LAGE: Was it for specific things?

FISCHER: Well, that's what they tried to do, was to make it for specific things. It started out general, and then as the program matured. . . . You know, here were the federal staffers given the responsibility and the charge for the nation's coastal zone, they had this precious resource that they loved, and they didn't want to just be rubber stampers. So yes, as the California coastal program got mature, they said, "Well, OK, we'll give you next year's money, but we'll give it to you only if you do something new, or only if you beef up your enforcement powers," et cetera.

One of the things that was very interesting, just in terms of cultures, was that it was difficult for us to get enforcement staff personnel through the legislature and through the governor's office.

LAGE: To get that funded?

FISCHER: To get that funded. The idea of the coastal commission being a bunch of coastal cops . . .

LAGE: The thug.

FISCHER: The thug, yes, the thug image did not work very well, did not sell in Sacramento. So here we had this very elaborate, very comprehensive, and very informed coastal program, but if people



wanted to violate the law--and you know, there's a certain percentage that's going to get their permit and then build whatever they want--we would have to learn of those violations either from citizen monitors or from our staff members who would be out looking at another permit application. And then we'd have to report it to the attorney general, and they'd take it to court.

LAGE: And you had Deukmejian as attorney general [1979-1983].

FISCHER: That's right.

LAGE: Did that create havoc?

FISCHER: Oh, it sure did. Oh, yes. When Deukmejian came in as AG [attorney general], I had a meeting with his chief deputy. Our chief counsel and I had a meeting with his chief deputy, and the guy who had up until that time been chief counsel for the chief deputy attorney general for the coastal commission. Deukmejian's chief deputy AG said to me, "You know, Fischer, you've been getting very, very good service from the attorney general's office. The section that gives the coastal commission service has got all sorts of red-hot, young, aggressive, environmentalist attorneys. If you keep doing what you're doing, if you keep on with the policies against the oil industry, and against developers, you will see a significant change in the staff that is supporting you. You're a client agency, I can't refuse you support; but you will find twenty . . ." it was about twenty deputy AGs, who were working on coastal commission cases. We had between 100 and 200 lawsuits outstanding at any one time. So even though we had a staff of a dozen attorneys at the coastal commission, they did not litigate. They helped monitor the permit conditions and helped





draft regulations. So there were twenty litigators for the AG working for us.

He said, "You're going to find twenty elderly males with shiny blue serge pants just counting the days until retirement."

LAGE: [Laughter] What an image!

FISCHER: Well, that quote somehow made it into the newspaper, which was the first time that Deukmejian saw the name Fischer. He didn't like it! So yes, there was a problem.

LAGE: Did those people defend your case in front of the Supreme Court?

FISCHER: No, it wasn't the shiny-suited people, it was . . .

LAGE: But was Deukmejian in? We've got to get our dates straight.

FISCHER: I don't remember now. But I do recall that, oh gosh, the two attorneys, the lead attorney was a woman, Teddy Berger, down in the L.A. office, and her support guy was John Saurenman. But she and John did as good a job as we could have hoped for, but didn't get it.

Now, we were leading up to something here, but now I've forgotten what I . . .

LAGE: The federal funding, and enforcement, that you didn't have money for enforcement.

FISCHER: Oh, oh, enforcement. That was the difference in culture. I went to South Carolina a couple of times, and one time I was doing an enforcement patrol in a light plane with them. In South Carolina they have a good but somewhat rudimentary coastal program, nowhere near as sophisticated, as comprehensive, as California's. But boy, did they have enforcement. They had contracted with their Fish and Game Department, which in South Carolina is the



most powerful police agency in the state, heavily armed, big. . . . I mean, the caricature of the Southern sheriff, you know, with the yellow sunglasses and the big girth? They had both helicopters and fixed-wing planes. If somebody was bulldozing a little bit of dirt into a marsh in South Carolina, well, every week, or twice a week, they did these flights, and they'd just as soon have a helicopter flutter to the ground beside the bulldozer with a guy with his hand on his gun, and the bulldozer driver would hit the dirt face-first, then . . . [Laughter]

LAGE: Oh, that does sound like a different culture.

FISCHER: And, the warden could write out a ticket on the spot for \$5,000.

LAGE: Wow.

FISCHER: Whereas in California, we'd have some citizen monitors saying, [falsetto] "Stop, stop!" And the bulldozer would finish its work, and two weeks later, the AG would file a lawsuit, and a year later, as we talked the other day about the Christo curtain violation, a year or two later, maybe they'd be found guilty and they'd have to restore the marsh or something like that. But the enforcement situation was very different.

So the feds tried to give us money to get us to do more enforcement, and we knew that we needed to do more enforcement. We'd try to get it into our budget, and we'd get it cut.

LAGE: Even though you had federal money?

FISCHER: Yes. And we'd argue that. "Hey, we've got federal. . . . The only way we can get federal money," and they'd say, "Well, Fischer, you're telling me that you can't lobby those feds to use the money



for some other thing?" Well of course, I could. So anyway, that was an intriguing thing.

But we did have fun, and one of the reasons that I can remember those names at Coastal States Organization as well as I can--Rich Delaney is the fellow in Massachusetts.

LAGE: I knew you'd come back to it.

FISCHER: Is that we became very close personal friends. We met quarterly, and we met quarterly in another state each time. Never did go to Hawaii. [Richard] Dick Poirier was the guy from Hawaii, played a very good piano. But we would go to a different coastal state, and we would tour something. So we got to know the wetlands of South Carolina or Mississippi or Texas or Massachusetts or Wisconsin or that sort of thing. We got enough time to play to get to know that Chris Shaffer's dad was dying, or that Rich Delaney was just having a new kid, that sort of thing. That is a very, very important and priceless treasure. We didn't create cliques. So the guys and gals who were friends with each other kind of spread that friendship relationship to those states who only would send representatives once every other time, or whose representatives changed frequently and so didn't have the tenure to get to know each other. But that sort of camaraderie made the Coastal States Organization very influential and very effective.

LAGE: It affected your work, you're saying, not just the amount you enjoyed the meetings.

FISCHER: Oh, absolutely, that's right. No, we could, "Art Rocque, you call up Senator Christopher Dodd, and Wayne, you call up Fritz Hollings, and Jim Ross, you call up [Senator Robert] Bob Packwood," and



they all could, we all could. We could deliver things, and these poor feds at the Office of Coastal Zone Management were just bowled over, because they would have to go to the Department of Commerce's legislative liaison, and they could call on some votes, but we were very effective in getting moratoria, getting joint lawsuits or threatening lawsuits against either the feds or the oil industry. So that was a very good piece of grantsmanship on the part of the Donner Foundation, and it established an effective outfit, and the outfit is still there. Even though Gary Magnuson is gone.

LAGE: It still has good leadership.

FISCHER: It still has some, perhaps not as good leadership as before, but still has good leadership.

LAGE: Did we ever discuss the Lucas decision? You've mentioned it several times, and I'm not sure if it got covered but unnamed.

FISCHER: The Lucas decision is one that happened just recently. However, it's an indicator of kind of a dark cloud on the horizon. We did mention the Supreme Court decision down in southern California, the taking decision . . .

LAGE: We did talk about that, the Nollan decision.

FISCHER: Yes. That was a taking decision, the Fifth Amendment saying, "You shall not take private property without just compensation." Lucas was in South Carolina, where he bought a piece of sandy beach and the South Carolina Coastal Council said, "Sorry, you can't build a house on the sandy beach." Lucas said that that's a





FISCHER: taking of private property, and the Supreme Court agreed with him.

So those two decisions, the Nollan decision and the Lucas decision, indicate that there may well be some restrictions on regulation that have either full or partial taking. They are flying in the face of the quotes I saw in today's newspaper quoting Teddy Roosevelt back in 1910 saying something like, "Our ownership of property is subject to regulations, and regulations as extensive as needed, by the community at large." So the tension between private property rights and community rights is one that's constant in our society, and it's one of the reasons that the regulatory is a relatively weak reed on which to base environmental and habitat protection. The price of (environmental) freedom is eternal vigilance...and that's simply not possible.

And another reason that I chose to leave the commission, frankly, is that I found that, just as the price of freedom is eternal vigilance, the price of environmental quality, depending upon regulatory authority, is eternal vigilance, and the weak reed is the Michael Wornums of the world that we talked about--the Michaels being on the right track and wanting to do the right thing, but politics and the vagaries of politics or tiredness or whatever other emoluments might be offered. So, sigh.

The reason that I chose to leave in '85, well, I think was first a sense of real accomplishment. After seven years, I had taken an agency from that shift that we were talking about earlier, from a creature of the people to a creature of the legislature, and made it work for about seven years. And interestingly enough, right after



the election of 1982 the then-chairman of the coastal commission, who was Mel Nutter, who remains a good friend of mine, Mel and I were meeting with Senator John Garamendi, who was the senate whip, up in the big corner office of the old state capitol.

John looked at me and said, "Michael, you have been very, very active in this campaign on behalf of Bradley, and you lost. You're a lightning rod, you're a signal to Deukmejian, and you really ought to resign. If you were to resign, Deukmejian wouldn't go after the coastal commission."

LAGE: So he thought it was a personal thing?

FISCHER: That's right. I didn't take Garamendi's advice. But to the extent that it might have been personal, I was saying to myself, "Well, you know, maybe if I step aside, there would be a little bit less animosity." There wasn't. And frankly, it just wasn't fun any more.

One of the reasons it wasn't fun was the change in the commissioners. After a year and a half or so of them counting up to six and trying to get rid of me, and then finally stopping and we made it a joke, but it's hard to make that a joke . . .

LAGE: It would be an openly discussed thing?

FISCHER: Oh, yes, it would be an openly discussed thing.

LAGE: Did they ever get to seven, so that you saw the handwriting on the wall?

FISCHER: They never got to seven. But the commission as a body simply didn't have the status and the stability and was not a source of pride as was the Bodovitz-Lane commission, or was the commission with, say, Naomi Schwartz as chair, or Brad Lundborg as chair, or



Len Grote as chair. The commissioners just got less and less good after those chairs. Particularly David Malcolm, from Chula Vista, who was a good buddy of Willie Brown's. Right after I left, another Willie Brown appointee, Mark Nathanson, came on. It was Mark Nathanson who is now in jail. But Willie Brown was supporting both David and Mark, and both of them . . .

While I wasn't the bad guy, it's easy to start to associate me with the bad things. So it stopped being fun. I remember saying to Janie [Fischer's wife, Jane Rogers], "Well, you know, I've walked the corridors of Congress, and I've made all of these friends, and I've done all these neat things and been on TV enough and been on the radio enough, and it's time to hang up the hat, before they hang it up for me." They never did get to seven, but with Mark Nathanson, they would have, no question. So for all of those reasons.

The interesting thing to me was that I didn't expect the grieving that I then went through. I became a consultant for a very principled and well-established consulting firm, environmental urban planning firm, urban planning being my profession, or having been my profession. I found it very different being a consultant really without a mission; whatever the client's desire was became my mission.

LAGE: Very different.

FISCHER: It was different, and the loss of staff members lined up outside the door, or the pink slips for the telephone calls stacking up, or the in box being thick so that you were always busy and always were, seemingly anyway, needed. The shift from that to a consulting



firm where Paul Sedway, the president, was clearly bringing me in, was grooming me to be his successor, and staff members at Sedway-Cooke who had been there five and ten years resented that. So here I got a window office, and they had been there for five or ten years, and they didn't get one. So I came to an office that, while the two bosses, Sedway and Cooke, wanted me there, the rest didn't really.

So I found myself adrift and unhappy. I am delighted because when I left there and went to the Sierra Club, then six years later, I said, "Look, it's time," largely because of my wife's and my relationship, I at least had had the experience and went into it with eyes wide open, and at least, here almost a year later, have yet to suffer the grieving and the sense of loss that I experienced when I left the coastal commission. But it was a traumatic shift walking away from something that you really loved, that you had put your heart and soul into.

LAGE: Something you could feel a tremendous commitment to.

FISCHER: Yes. And that's why I took some pains at one of our other interviews to heap as much praise on Peter Douglas as I did, because I in essence walked away from this thing that was not so much fun any more. Peter knew it wasn't going to be much fun, but said to himself, basically, "I'm going to take this thing and carry it across the desert so that it can bloom again, and my contribution will be getting it through these troubled years of Deukmejian."

LAGE: And he knew exactly what he was getting into.

FISCHER: He knew what he was getting into.





LAGE: Hadn't he been there from the beginning, or near the beginning?

FISCHER: He had, in one capacity or another, yes. He was a staff member of the state assembly.

LAGE: Did he work under Bodovitz?

FISCHER: No, I hired him away from the legislature and made him our chief deputy director.

LAGE: I see, so you brought him in.

FISCHER: Yes, that's my recollection, anyway.

LAGE: Do you have any sense of how your leadership might have been different from Bodovitz and then Douglas? Is there any clear differentiation?

FISCHER: Well, that's a good question, and I don't have a facile answer. There's a difference in age among the three of us. Joe is clearly the oldest of the three. It was interesting, when I walked in and inherited the staff of mostly young people, there was a considerable level of skepticism and distrust because it was kind of like Daddy had divorced the family, and the relationship between particularly the Bodovitz-Lane duo, because one didn't talk without the other moving his hand, it was just amazing, they were so classy and so kind of above it, they were Daddy. And not to be questioned, even though some few questioned some of their political decisions. But Daddy left.

And so in comes new, younger, brasher, Stepdaddy, and not only that, but Stepdaddy that some of them used to play ball with. Younger Stepdaddy. And gosh, how old was I? When was it, '78? I was thirty-eight years old.

LAGE: That is young to step into that role.



FISCHER: Yes. Joe was probably forty-five or forty-eight. He was half a decade to a decade older than I. And how to characterize my style of leadership, I don't know, but in a way, it was more sleeves rolled up, though I also delegated a lot more. Joe Bodovitz used to personally edit or write almost every staff recommendation. I read fewer than half of the staff recommendations. I directed what they would say, but I did much more delegation. When he left, he was given a large blue pencil as a gift as an indicator of that role. He had been a reporter, a journalist, in a prior career.

In a way, I walked more of the coast, and I know visited the regional offices very frequently. Bodovitz never walked into the regional office that I worked at when I was executive director of the regional office. So I think I was more of a coach-colleague, establishing the human dynamic among our team, whereas Joe was more the remote figure in the corner office. I also did much more rambling around Sacramento than Joe would, but I think that was because of the shift from being a creature of the people to a creature of the legislature.

And then Peter came in, I think Peter went very consciously low-key, and ducked.

LAGE: He didn't campaign?

FISCHER: No, [Laughter] no, he didn't campaign. But I think Peter did campaign for Tom Bradley, but he wasn't executive director at the time. But no, he didn't campaign against Deukmejian, and he didn't take shots at Deukmejian, et cetera. But I think just kept his eye on the ball. You'd have to ask Peter that. I didn't watch him closely after I left there. But boy, did he work hard at it.



LAGE: Well, I hope I get a chance to ask him. I haven't done anything yet about trying to continue this history of the coastal commission, but that's my goal. And thank you for being the first.

FISCHER: Thank you very much for the privilege.

[End of Interview]





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